

EXHIBIT 56

Excerpts of Deposition of Jon Okazaki conducted on June 29, 2016, Volume II

Deposition of:

Jon Okazaki, Esq.

Volume II, Pages 210 - 394

Case:

Bradley Roberts v. Clark County School District
2:15-CV-00388-JAD-PAL

Date:

06/29/2016



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1	UNITED STATES DISTRICT COURT
2	DISTRICT OF NEVADA
3	BRADLEY ROBERTS,)
4	individually,)
5	Plaintiff,)
6	vs.) No. 2:15-CV-00388-JAD-PAL
7	CLARK COUNTY SCHOOL)
8	DISTRICT; and DOES I)
9	through X, inclusive,)
10	Defendants.)
11	CONTINUED DEPOSITION OF DESIGNEE OF CCSD
12	ON SUBJECT NOS. 4 AND 6
13	(Pursuant to FRCP 30(b)(6))
14	JON OKAZAKI, ESQ.
15	Volume II, Pages 210 - 394
16	Taken on Wednesday, June 29, 2016
17	By a Certified Court Reporter
18	At 9:32 a.m.
19	At 400 South Seventh Street, Suite 400
20	Las Vegas, Nevada
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23	
24	Reported by: MARY COX DANIEL, FAPR, RDR, CRR, CCR 710
25	Job No. 17510A

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<p>1 (A discussion was held off the record between the court 2 reporter and counsel, wherein counsel present agreed to 3 waive the reporter requirements as set forth under NRCF 4 Rule 30(b)(4) or FRCP Rule 30(b)(5), as applicable.) 5 JON OKAZAKI, ESQ., 6 having been first duly sworn to testify to the truth, 7 the whole truth and nothing but the truth, was examined 8 and testified as follows: 9 10 EXAMINATION (Continued) 11 BY MS. ENGLAND: 12 Q Good morning, Mr. Okazaki. 13 A Good morning. 14 Q I wanted to finish up with two questions that 15 related to Subject No. 5 which was the subject of your 16 deposition last time. 17 A Okay. 18 Q And during your deposition last time, you 19 mentioned that there were actually three cases which 20 you refer to as case law. You recognized the Doe case, 21 you recognized and acknowledged Mr. Roberts' case. But 22 you said there was a case that preceded the Jane Doe 23 case, which was the transgender student who never 24 enrolled in Green Valley High School that was the 25 subject of the decision, the 2008 summary judgment in</p>	<p>1 BY MS. ENGLAND: 2 Q I'll show you what's been marked as 3 Exhibit 65. 4 In connection with number, 30(b)(6) 5 Subject No. 5, I had asked you what sort of activities 6 had you undertaken to familiarize yourself with the new 7 law that was going into effect on October 1st, 2011, 8 that added gender identity and expression to Nevada 9 Fair Employment Practices Act. Do you recall that I 10 asked you that line of questioning? 11 A I do not. 12 Q Did you have any responsibility in the School 13 District's office of legal counsel to review bills that 14 impacted labor and employment matters? 15 A Only -- 16 MR. YOUNG: I'm just going to object to the 17 extent it exceeds the scope of the Topic No. 5. I note 18 on the record that to the extent it does exceed 19 Topic No. 5, the response of the witness does not 20 represent the answer of the School District on behalf 21 as a 30(b)(6) designated witness and does not bind the 22 School District. 23 That will be a standing objection. When 24 Ms. England asks questions that are again outside the 25 scope of the topic, if I indicate "standing objection,"</p>
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<p>1 favor of the School District on her Title IX claim 2 against the School District. Do you recognize that? 3 That's the Jane Doe versus School District case. 4 A Yes. 5 Q And you mentioned that there was a case before 6 that that involved a transgender person. Do you recall 7 what that was? This was part of the case authority 8 that you were relying on. 9 A Probably the Minnesota Supreme Court case. 10 Q So that's the Goins case? 11 A I'm actually not familiar with -- I can't 12 recall the actual caption of the case. 13 Q But it was not a School District or a District 14 of Nevada or Ninth Circuit case? 15 A Correct. 16 Q And when you offered that up during those 17 discussions on November 22nd, 2011, that the School 18 District had case authority, did you indicate, or were 19 you referring to this Minnesota case? 20 A One of them, yes. 21 Q Did you tell the people, the laypeople who 22 were there that the Minnesota case was at that point 11 23 years old? 24 A No. 25 (Exhibit 65 marked)</p>	<p>1 that's the objection I'm referring to. 2 THE WITNESS: I review bills that are assigned 3 to me specifically. 4 BY MS. ENGLAND: 5 Q Could you open the book and look at AB 211, 6 which is Exhibit 59? 7 A Exhibit -- 8 Q 59. 9 Was that one of the bills assigned to you to 10 review? 11 A At the time, no. 12 Q Have you ever reviewed AB 211, which is 13 Exhibit 59? 14 A Yes. 15 Q When was the first time you reviewed it? 16 A I don't recall specifically. During the time 17 period when this was enacted, I was responsible for 18 assisting in the revision of all of our 19 anti-discrimination language and all of our forms, and 20 so -- 21 Q My question is: When did you first see -- 22 A So it was -- 23 Q -- AB 211? 24 MR. YOUNG: And I'm going to -- Ms. England, 25 please wait until the witness is done responding before</p>

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<p>1 you cut him off and ask your next question. It would 2 be appropriate for you to allow the witness to make any 3 full response before you interrupt him and ask another 4 question. 5 And I'm just going to make my standing 6 objection to this line of questioning. 7 BY MS. ENGLAND: 8 Q Mr. Okazaki, my question was not, what is your 9 generalized practice? My specific was -- you have 10 Exhibit 59 in front of you. It is AB 211. I'm asking 11 you when you first saw that. 12 A Yes. And I was answering that question. So 13 my answer is -- 14 Q Do you have a specific recollection? 15 MR. YOUNG: Again, Ms. England, please, he's 16 attempting to answer the question, and you are very 17 rudely interrupting him with a new question before he 18 is done responding. 19 Were you done responding? 20 THE WITNESS: No. 21 BY MS. ENGLAND: 22 Q I'll withdraw all those questions. 23 Do you have a specific recollection of when 24 you first saw AB 211, which you have in front of you as 25 Exhibit 59?</p>	<p>1 he had a surgical alteration of his genitals, can you 2 unequivocally state that you had read AB 211, Exhibit 3 59? 4 MR. YOUNG: I'll object to the extent it 5 mischaracterizes prior testimony. You can answer. 6 THE WITNESS: I can -- since I don't have a 7 specific recollection of the actual date on which I 8 read AB 211, that would be my answer. I don't have a 9 specific recollection. I can testify that I was fully 10 aware of the bill and what it revised. And so I was 11 aware that gender identity had been recognized as a 12 protected status prior to November 22nd, 2011. 13 BY MS. ENGLAND: 14 Q Okay. Can you state under oath here today 15 that you were aware not only was it a bill, AB 211, but 16 that the law itself had gone into effect on October 17 1st, 2011? 18 A Sure. 19 MR. YOUNG: Standing objection. 20 BY MS. ENGLAND: 21 Q And that you knew that before you began -- 22 before you stepped into that meeting on November 22nd, 23 2011; right? 24 MR. YOUNG: Standing objection. 25 THE WITNESS: Yes.</p>
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<p>1 A No. 2 Q Can you state under oath here today that you 3 reviewed AB 211 before November 1st, 2011? 4 MR. YOUNG: Standing objection. You can 5 answer. 6 THE WITNESS: I don't have a specific 7 recollection. So that would have to be my answer, that 8 I don't have a specific recollection of the exact date 9 in which I reviewed AB 211. 10 BY MS. ENGLAND: 11 Q And before -- on or before November 1st, 2011, 12 can you specifically state any activities you 13 specifically recall having undertaken to assist Clark 14 County School District in implementing the prohibitions 15 which are contained in AB 211 which went into effect on 16 October 1st, 2011? 17 MR. YOUNG: Standing objection. 18 THE WITNESS: I do not have a specific 19 recollection as to the date. So I can't -- I do not 20 have a specific recollection as to dates. 21 BY MS. ENGLAND: 22 Q When you walked into the meeting on November 23 22nd, 2011, and indicated to Clark County School 24 District Police Officer Brad Roberts that he would not 25 be allowed to use the men's room until he showed that</p>	<p>1 BY MS. ENGLAND: 2 Q And you knew that before you -- or, did you 3 know that before you began advising the police 4 department officials earlier in November that they were 5 to instruct Brad Roberts that he was not permitted to 6 use the men's room even though he identified as male? 7 MR. YOUNG: Standing objection. 8 THE WITNESS: Yes. 9 BY MS. ENGLAND: 10 Q So now I'll ask you to look at Exhibit 65. 11 Do you get this bar journal, the Clark County 12 Bar Communiqué? 13 A I believe I do. 14 Q This is the September 2011 issue. So as a 15 member, you would have received a copy of this? 16 A In all likelihood, yes. 17 Q In this magazine sent in September of 2011 to 18 Clark County Bar Association members, there's a 19 legislative update by one of its members. And it 20 indicates that perhaps the biggest legislative change 21 in employment law was the passage of AB 211. Do you 22 see that, under the word "gender identity"? 23 A I see what it says there, "Perhaps the biggest 24 legislative change was the passage of AB 211." 25 Q So in September of 2011, can you recall any</p>

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<p>1 activities that you undertook, or the School District,</p> <p>2 to help the School District prepare for what has been</p> <p>3 characterized as the biggest legislative change in</p> <p>4 employment law in the state of Nevada in September of</p> <p>5 2011?</p> <p>6 A As I indicated, I did work on the</p> <p>7 implementation of AB 211. I can't remember the exact</p> <p>8 precise dates.</p> <p>9 Q Do you have any documentation in your office</p> <p>10 in any way, shape, or form that would show that you --</p> <p>11 when and what activities you undertook to assist the</p> <p>12 School District in implementing AB 211, the law that</p> <p>13 went into effect on October 1st, 2011?</p> <p>14 MR. YOUNG: Standing objection.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MS. ENGLAND:</p> <p>17 Q What would those -- what would that</p> <p>18 documentation consist of?</p> <p>19 A It would likely consist of communications and</p> <p>20 drafts relating to the revision to our</p> <p>21 anti-discrimination warnings or blurbs that appear in</p> <p>22 our various publications and possibly website.</p> <p>23 Q Who would those communications be with?</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 /////</p>	<p>1 MR. YOUNG: Standing objection.</p> <p>2 THE WITNESS: I don't have a specific date.</p> <p>3 It was in 2011, though, I believe.</p> <p>4 BY MS. ENGLAND:</p> <p>5 Q The law went into effect on October 1st, 2011.</p> <p>6 How soon after that did the School District change its</p> <p>7 job employment application to add gender identity and</p> <p>8 expression to the protected statuses on its employment</p> <p>9 application?</p> <p>10 A I don't have --</p> <p>11 MR. YOUNG: Standing objection.</p> <p>12 THE WITNESS: I don't have a specific</p> <p>13 recollection of the date.</p> <p>14 BY MS. ENGLAND:</p> <p>15 Q And the School District ultimately changed its</p> <p>16 policies and procedures on harassment and</p> <p>17 discrimination, did it not, to reflect the new</p> <p>18 statuses, protected statuses in the law?</p> <p>19 A Our policy and regulation, yes.</p> <p>20 Q And the School District did not do that until</p> <p>21 April of 2012. So that is six months after the law</p> <p>22 took effect. Do you recognize that?</p> <p>23 A I believe that's accurate, yes.</p> <p>24 Q And so you're saying -- so when did you first</p> <p>25 become involved in making those changes?</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q Human resources?</p> <p>3 A With whichever department was responsible for</p> <p>4 the publication that we were revising.</p> <p>5 Q So insofar as the new prohibition under Nevada</p> <p>6 law that went into effect on October 1st, 2011, which</p> <p>7 department would be in charge of changing those rules</p> <p>8 and regulations?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: It's not rules and regulations.</p> <p>11 What I'm talking about is -- for example, on our job</p> <p>12 employment application, we have a blurb indicating that</p> <p>13 we do not discriminate based upon protected statuses</p> <p>14 and classes. And so we had to add -- we had to revise</p> <p>15 that statement consistent with AB 211. So in that</p> <p>16 case, I dealt with human resources for the employment</p> <p>17 application. We also had --</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q When was that changed?</p> <p>20 MR. YOUNG: Standing objection.</p> <p>21 THE WITNESS: I don't have a specific date. I</p> <p>22 can't recall.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q How soon after the law went into effect on</p> <p>25 October 1st, 2011?</p>	<p>1 MR. YOUNG: Standing objection.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Or assisting the School District in making</p> <p>4 those changes?</p> <p>5 A I do not know if I personally was involved in</p> <p>6 revising the policy and regulation.</p> <p>7 MS. ENGLAND: So we'll show you what has been</p> <p>8 marked for us as -- we need the new ones.</p> <p>9 (Exhibits 66 and 67 marked)</p> <p>10 MS. ENGLAND: Here's 66, and here is 67.</p> <p>11 Sorry, Bruce. This one is 66. Sorry. And this is</p> <p>12 number 67. Sorry, I neglected to write the numbers.</p> <p>13 MR. YOUNG: I'm sorry. I was unaware that you</p> <p>14 were going to go back and ask questions, because the</p> <p>15 actual notice for this deposition talked about Topics 4</p> <p>16 and 6, not Topic 5. I thought we were done. So</p> <p>17 technically, I don't understand why you are going back</p> <p>18 because the depo notice for today only identified</p> <p>19 Topics 4 and 6, not 5. So I don't have a copy of the</p> <p>20 notice that has Topic No. 5 on it, and I don't have it</p> <p>21 memorized. So do you have a document that has</p> <p>22 Topic No. 5 on it?</p> <p>23 MS. ENGLAND: I do. Do you have Exhibit No. 1</p> <p>24 in your book?</p> <p>25 MR. YOUNG: No, I do not.</p>

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<p>1 MS. ENGLAND: You may certainly look at mine. 2 There's 5. 3 Would you like for us to wait for you to 4 review it? Mr. Young, would you like us to make a copy 5 of it? 6 MR. YOUNG: No. I'm good. Just give me a 7 second. 8 MS. ENGLAND: Okay. All set? 9 MR. YOUNG: I would just state my objection 10 for the record that you are going back contrary to the 11 Notice of Deposition, continued deposition, that was 12 served on the School District wherein you indicated 13 that the deposition subjects for today would be 14 30(b)(6) Topics No. 4 and 6, and that Mr. Okazaki as a 15 percipient witness deposition would be taken today. I 16 would just object to the fact that you're going back 17 and asking more questions on Topic No. 5. 18 BY MS. ENGLAND: 19 Q Mr. Okazaki, why don't you let us know when 20 you're finished texting during your deposition? 21 A I'm not texting. 22 Q Would you mind putting your phone away during 23 this deposition? 24 A Okay. 25 Q Thank you. If there's some emergency issues</p>	<p>1 objection to this whole line of questioning that it is 2 irrelevant and outside Topic No. 5. 3 BY MS. ENGLAND: 4 Q And did you participate -- 5 MR. YOUNG: And as such, I will consider this 6 to be questions concerning him as a percipient witness 7 and not Topic No. 5. 8 BY MS. ENGLAND: 9 Q If you look at Exhibit 67, it, too, bears the 10 same revision date? 11 A Correct. 12 Q So that means it was issued on April 12th, 13 2012? 14 A No. That means it was revised on April 12th, 15 2012. 16 MR. YOUNG: And also just for the record, I'm 17 going to indicate that Mr. Okazaki does have an 18 appointment this afternoon, which was previously 19 indicated to you. So you're wasting your own time if 20 you're asking questions that are outside of the topic. 21 And we're not going to agree to any additional time for 22 Mr. Okazaki if you continue to ask questions that are 23 outside the scope of the topics that are indicated. 24 BY MS. ENGLAND: 25 Q So this means that's when this policy was</p>
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<p>1 that you need to attend to, I would simply ask that you 2 put your phone on some sort of vibrate to alert you. 3 And if you get an alert of a phone call, or something 4 that you have to attend to, I'll be happy to take a 5 break. 6 A Okay. 7 Q So you have in front of you have Exhibits 66 8 and 67? 9 A Yes. 10 Q Are these the policies and regulations that 11 you just previously referred to? 12 A That you referred to? Yes. 13 Q And these are the ones that implemented and 14 when the School District finally added gender identity 15 and expression to the types of protected class status 16 for which discrimination is prohibited. Do you see 17 that? 18 A I don't understand the question. 19 Q Sure. Can you read these policies? Look at 20 Exhibit 66. 21 A Okay. 22 Q And can you tell when it was issued in the 23 sense of when it was last revised? 24 A Yes, April 12th, 2012. 25 MR. YOUNG: I'm just going to make a standing</p>	<p>1 issued -- 2 MR. YOUNG: Asked and answered. 3 BY MS. ENGLAND: 4 Q -- Exhibit 66, and the regulation, Exhibit 67? 5 A No. That notation indicates when this policy 6 and regulation was revised. 7 Q So issued in this form? 8 A I'm going to disagree with the word "issued." 9 It was not issued. It was always in existence, and it 10 was revised on April 12th, 2012. 11 Q And the forms that you have in front of you, 12 Exhibit 66 and 67, are the ones that are in effect as 13 of April 12th, 2012? 14 A Correct. 15 Q And did you participate in the revisions and 16 the language that ended up in the revised policies, 17 Exhibit 66, and the revised regulation, Exhibit 67? 18 MR. YOUNG: Standing objection to the extent 19 that this is allegedly a question pertaining to 20 Topic No. 5. 21 THE WITNESS: I do not recall. 22 BY MS. ENGLAND: 23 Q And if you had participated in the revisions 24 of the policy, Exhibit 66, and the regulation, 67, 25 which came out six months after the new law went into</p>

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<p>1 effect, would you have -- would you have documentation</p> <p>2 that you participated in? Would there be e-mails to</p> <p>3 you? Would there be a charge to you asking you to take</p> <p>4 a look at this, figure out what needs to be changed?</p> <p>5 Would there be some memorialization of your</p> <p>6 participation in the School District's adding the new</p> <p>7 statuses under Nevada law that went into effect but not</p> <p>8 doing so until April 12th, 2012?</p> <p>9 MR. YOUNG: Standing objection. Also</p> <p>10 argumentative.</p> <p>11 THE WITNESS: There would definitely be</p> <p>12 documentation in regards to the revision of this policy</p> <p>13 and regulation. Whether there is documentation</p> <p>14 evidencing my participation in it, I don't know. It's</p> <p>15 possible if I was involved, it's possible I kept</p> <p>16 records or documentation relating to my participation.</p> <p>17 It's possible that even if I was involved, I did not</p> <p>18 maintain any of those.</p> <p>19 BY MS. ENGLAND:</p> <p>20 Q So similarly, as you testified before, if</p> <p>21 indeed you had been asked by e-mail to look at this,</p> <p>22 you don't currently have e-mails from that era still on</p> <p>23 your computer to look at, and that would have to be</p> <p>24 looked at by an IT person?</p> <p>25 MR. YOUNG: Standing objection.</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q Under the "Sexual Harassment" portion of it,</p> <p>3 which appears on page 332 of the regulation, which is</p> <p>4 R-4110, Exhibit 67, under "Sexual Harassment," did they</p> <p>5 ask you for your expertise and your experiences in</p> <p>6 dealing with what were sexually-based comments about</p> <p>7 genitals and other inappropriate comments which have</p> <p>8 been made to Brad Roberts as a transgender male?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: Not that I recall.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q And did they ask you to provide any examples</p> <p>13 that could be added to sexual harassment so that</p> <p>14 transgender people would be protected and examples of</p> <p>15 the type of conduct which should not be directed to</p> <p>16 them -- the questions about their genitals, the</p> <p>17 questions ridiculing them about their genitals? Did</p> <p>18 anybody ask you for your experience so that it could be</p> <p>19 added here and Clark County School District employees</p> <p>20 could be warned that those are inappropriate comments?</p> <p>21 MR. YOUNG: Standing objection.</p> <p>22 THE WITNESS: Not that I recall.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q And in the legal department, who is primarily</p> <p>25 responsible for assisting the people identified as</p>
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<p>1 THE WITNESS: I do not have any e-mails dating</p> <p>2 back to 2012 --</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q Those have been --</p> <p>5 A -- on the computer.</p> <p>6 Q On your computer?</p> <p>7 A On my computer.</p> <p>8 Q So you're unable to access e-mails from 2011</p> <p>9 and 2012 on your computer at the present time --</p> <p>10 A Correct.</p> <p>11 MR. YOUNG: Standing objection.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q -- five years later?</p> <p>14 A Correct.</p> <p>15 Q But if you were asked to do so, you would</p> <p>16 defer to the expertise of the IT people who you</p> <p>17 identified before; is that right?</p> <p>18 A Correct.</p> <p>19 Q So look at Exhibit 67. Do you recall, when</p> <p>20 the Clark County School District was preparing this new</p> <p>21 district regulation R-4110, did they ask you for</p> <p>22 information about your experiences in dealing with the</p> <p>23 gender transition of Officer Roberts?</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 THE WITNESS: I do not recall.</p>	<p>1 review responsibility for this policy and regulation,</p> <p>2 which is human resources and executive manager</p> <p>3 diversity and affirmative action programs? Who in the</p> <p>4 legal department is the primary legal advisor to those</p> <p>5 folks in the district --</p> <p>6 MR. YOUNG: Standing objection.</p> <p>7 BY MS. ENGLAND:</p> <p>8 Q -- back -- sorry -- back in this time frame?</p> <p>9 A I don't think there was somebody who was</p> <p>10 primarily responsible.</p> <p>11 Q We're done with those. Thank you.</p> <p>12 So now, in your previous deposition, I asked</p> <p>13 you -- which was on Subject No. 5 -- I'd now like to</p> <p>14 change to Subject No. 4. Subject No. 4, I'll read it</p> <p>15 into the record. It is the revised Subject No. 4, is,</p> <p>16 as set forth in Exhibit No. 1, is:</p> <p>17 "CCSD's actions in response to the NERC's May</p> <p>18 3, 2012, determination that CCSD's then-existing</p> <p>19 restroom policy prohibiting Plaintiff's use of the</p> <p>20 men's restrooms at CCSD was illegal and discriminatory</p> <p>21 under Nevada law, and the timing and reasons for such</p> <p>22 actions."</p> <p>23 Have I read that correctly?</p> <p>24 A Yes.</p> <p>25 Q Now, in your previous deposition at the</p>

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<p>1 beginning of it, you provided us with a summary of the</p> <p>2 information that you undertook in preparation to be the</p> <p>3 30(b)(6) Designee on all three subjects. I'd now like</p> <p>4 to turn simply to what you already testified to about</p> <p>5 Subject No. 4, the preparation activities you</p> <p>6 undertook. Okay?</p> <p>7 A Okay.</p> <p>8 Q You testified on page 19 of your June 10,</p> <p>9 2016, deposition, that in the week before your</p> <p>10 deposition was taken, that Scott Greenberg gave you a</p> <p>11 summary of the District's response to the May 3rd NERC</p> <p>12 determination finding probable cause that Clark County</p> <p>13 School District had committed illegal discrimination.</p> <p>14 Do you recall that testimony?</p> <p>15 A I do not specifically recall that testimony.</p> <p>16 Q Do you have any quarrel with it?</p> <p>17 A Could you repeat it?</p> <p>18 Q Sure. Back then when you -- sorry. Let me</p> <p>19 start this again and see if I can ask a clearer</p> <p>20 question.</p> <p>21 MS. ENGLAND: Bruce, you don't have to answer</p> <p>22 that. That was your opening.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q On June 10th, you testified that part of your</p> <p>25 preparation activities included reviewing a summary</p>	<p>1 What I recall reviewing with Scott Greenberg is NERC's</p> <p>2 determination, our response letter, their response to</p> <p>3 our response letter, their notice of public hearing,</p> <p>4 our motion to dismiss, and those documents.</p> <p>5 Q Okay. That's fine. That's all I wanted to</p> <p>6 know, if there was some sort of separate summary.</p> <p>7 A Not that I'm aware of.</p> <p>8 Q Now we'll go to -- you may open that</p> <p>9 Exhibit 28.</p> <p>10 A I don't have 28.</p> <p>11 MR. YOUNG: I don't have 28 either.</p> <p>12 MS. ENGLAND: That's because we're about to</p> <p>13 introduce it. Sorry.</p> <p>14 (Exhibit 28 marked)</p> <p>15 BY MS. ENGLAND:</p> <p>16 Q While we're having the rest of these marked,</p> <p>17 Mr. Okazaki, please feel free to go through the</p> <p>18 exhibit.</p> <p>19 I realize that Subject No. 3 -- excuse me --</p> <p>20 Subject No. 4 has to do with the Clark County School</p> <p>21 District actions and response to the May 3rd, 2012,</p> <p>22 NERC determination that CCSD was committing illegal</p> <p>23 discrimination. The documents I'm now introducing,</p> <p>24 which will be number 28, 29, and 30 are all the</p> <p>25 pleadings and notices from the Nevada Equal Rights</p>
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<p>1 that Scott Greenberg gave you the week before, and that</p> <p>2 summary was of the District's response to the May 3rd</p> <p>3 NERC determination. Do you recall that testimony?</p> <p>4 A I do not.</p> <p>5 Q Do you, as you sit here today, recall that</p> <p>6 somewhere in the week before your last deposition,</p> <p>7 Greenberg gave you a summary of the District's response</p> <p>8 to the May 3rd NERC determination?</p> <p>9 MR. YOUNG: I'm just going to object to the</p> <p>10 extent it mischaracterizes the testimony that we don't</p> <p>11 have in front of us to know exactly what it is.</p> <p>12 MS. ENGLAND: Okay. We can get it out.</p> <p>13 BY MS. ENGLAND:</p> <p>14 Q Do you recall Greenberg giving you a summary</p> <p>15 of what the District --</p> <p>16 A No -- well, verbally, I recall him -- I recall</p> <p>17 reviewing the District's response to the NERC's</p> <p>18 determination.</p> <p>19 Q When you say "I recall reviewing," are you</p> <p>20 talking about like the -- sort of the request for</p> <p>21 reconsideration, and the -- the pleadings that they --</p> <p>22 the informal pleadings they filed in the Nevada Equal</p> <p>23 Rights Commission as opposed to a separate stand-alone</p> <p>24 summary that isn't anywhere?</p> <p>25 A Correct. I'm not aware of a separate summary.</p>	<p>1 Commission in that same administrative proceeding where</p> <p>2 that determination was issued. I'm going to ask you to</p> <p>3 review them, and then I'm going to ask you a few</p> <p>4 questions.</p> <p>5 (Exhibits 29 and 30 marked)</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q Mr. Okazaki, we have now handed you what the</p> <p>8 court reporter has marked Exhibit 28, you've had an</p> <p>9 opportunity to look at that. We've handed you</p> <p>10 Exhibit 29, which you have in front of you. I'll ask</p> <p>11 you to take a look at that. And we've also handed you</p> <p>12 Exhibit 30, and we'll ask you to take a look at that.</p> <p>13 And may I please ask that you take off --</p> <p>14 we're going to have a number of documents out in front</p> <p>15 of you. And I think it would be easier if -- may I ask</p> <p>16 you to remove that notice, and give it back to Bruce?</p> <p>17 Thanks.</p> <p>18 Exhibit No. 31 is in your book. And that</p> <p>19 comes next -- not 21, 31. You can take that out of the</p> <p>20 book. And we do need a stapler.</p> <p>21 We'll take a moment. We're going to ask the</p> <p>22 court reporter to go get us a stapler so these -- may I</p> <p>23 ask that you keep it in the same order right now until</p> <p>24 she staples it?</p> <p>25 Madam Court Reporter, we'll take a short</p>

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<p>1 break.</p> <p>2 (Recess taken from 10:06 to 10:08)</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q Mr. Okazaki, I believe you testified in the</p> <p>5 previous session of your deposition on Subject No. 5</p> <p>6 that as of --</p> <p>7 MR. YOUNG: Subject 5? Are we going back to</p> <p>8 5?</p> <p>9 MS. ENGLAND: No, I'm just harkening back to</p> <p>10 testimony that he gave.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q -- that your personal involvement with the</p> <p>13 issues related to Brad Roberts' gender transition and</p> <p>14 the actions of the School District, that your personal</p> <p>15 involvement ended at the end of November after your</p> <p>16 attendance at the meeting on November 22nd, 2011, and</p> <p>17 your participation in the development of the</p> <p>18 announcement which went out on November 30th. Is that</p> <p>19 a fair statement?</p> <p>20 A I don't recall that exact testimony. But</p> <p>21 that's --</p> <p>22 Q Is it correct?</p> <p>23 A Yes, I believe that is correct.</p> <p>24 Q I'll ask you this during your percipient</p> <p>25 deposition, but you participated in the development of</p>	<p>1 of discrimination. So you've educated yourself on what</p> <p>2 the School District's response was so that you are</p> <p>3 prepared to testify here today?</p> <p>4 A Yes.</p> <p>5 Q And that included looking at the School</p> <p>6 District's responses and the paperwork that they filed</p> <p>7 in the NERC? Is that a fair statement?</p> <p>8 A Yes.</p> <p>9 Q That was the summary that you were referring</p> <p>10 to that Mr. Greenberg offered up to you?</p> <p>11 A Yes. If I used the word "summary," it was</p> <p>12 probably in regard to Scott Greenberg's verbal summary</p> <p>13 of the chronology of our response to the NERC's</p> <p>14 determination.</p> <p>15 Q So what was Scott Greenberg's verbal summary</p> <p>16 of the chronology of the response? What did he tell</p> <p>17 you?</p> <p>18 A After we received the determination of</p> <p>19 probable cause, we responded -- they responded by</p> <p>20 saying thank you, but we respectfully disagree; and</p> <p>21 we're going to move the case forward; and then we</p> <p>22 agreed to participate in conciliation; and that took</p> <p>23 place, but it was unsuccessful; and then after that,</p> <p>24 the NERC indicated that they were going to hold a</p> <p>25 public hearing to determine if this matter should be</p>
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<p>1 the language and the approval of the language which</p> <p>2 ultimately ended up in the November 30th, 2011,</p> <p>3 announcement memo?</p> <p>4 A Yes.</p> <p>5 Q And after that, did you, as in-house legal</p> <p>6 counsel, participate in any other issues related to</p> <p>7 Brad Roberts' gender transition, records changes, NERC,</p> <p>8 or EEOC proceedings?</p> <p>9 A I believe I provided a response to</p> <p>10 Mr. Rodriguez regarding Officer Roberts' NERC</p> <p>11 Complaint.</p> <p>12 Q That was in connection with your memorializing</p> <p>13 and writing a memo about the activities that you had</p> <p>14 engaged in in October and November of 2011? Is that a</p> <p>15 fair statement?</p> <p>16 A Correct.</p> <p>17 Q But what I want to know is: As legal counsel,</p> <p>18 after November 30th, 2011, your involvement in issues</p> <p>19 related to Brad Roberts, other than memorializing what</p> <p>20 you had done before, ended?</p> <p>21 A As far as I can recall, yes.</p> <p>22 Q So when did you first -- but here today, you</p> <p>23 are being offered up as Clark County School District's</p> <p>24 Designee on the Subject No. 4 which has to do with the</p> <p>25 School District's response to a probable cause finding</p>	<p>1 set for a public hearing; we filed a motion to dismiss</p> <p>2 in response to that, that action; then there was</p> <p>3 correspondence with the Attorney General's Office in</p> <p>4 regard to our concerns about the procedures; and that</p> <p>5 thereafter, the District decided to change its position</p> <p>6 with regard to Officer Roberts' use of restrooms at</p> <p>7 District facilities; officer Roberts was advised of</p> <p>8 that change in position; and then there was</p> <p>9 correspondence with the Attorney General in NERC; and</p> <p>10 the matter was closed.</p> <p>11 MR. YOUNG: We're done. That's 4 and 6 in a</p> <p>12 nutshell.</p> <p>13 MS. ENGLAND: Nice try, Bruce.</p> <p>14 MR. YOUNG: Thanks, Kathy.</p> <p>15 BY MS. ENGLAND:</p> <p>16 Q So let's go back to Exhibit No. 28. In</p> <p>17 connection with your being prepared here today, in</p> <p>18 addition to the verbal summary that Scott Greenberg</p> <p>19 gave you, did you review these documents, which is the</p> <p>20 January 19, 2012, notice from the Nevada Equal Rights</p> <p>21 Commission to Tom Rodriguez, the affirmative action</p> <p>22 officer of the Clark County School District?</p> <p>23 A Yes.</p> <p>24 Q Who provided you these, the documents that you</p> <p>25 reviewed, which are contained within Exhibit 28?</p>

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<p>1 A I believe legal counsel.</p> <p>2 Q When you say "legal counsel," are you talking</p> <p>3 about Mr. Greenberg?</p> <p>4 A No, Mr. Young.</p> <p>5 Q Okay. These were documents, as you've said, I</p> <p>6 think you testified that all of the documents that you</p> <p>7 looked at in preparation for your 30(b)(6) depositions</p> <p>8 all had Bates stamps on them?</p> <p>9 A As I recall, yes.</p> <p>10 Q But you did testify that you looked at some</p> <p>11 other policies and regulations that were actually on</p> <p>12 the School District website that you would not</p> <p>13 necessarily produce with Bates numbers on them?</p> <p>14 A Correct.</p> <p>15 Q So when was the first time you saw the Charge</p> <p>16 of Discrimination, which is contained in Exhibit 28,</p> <p>17 which is signed by Officer Roberts on January 11th,</p> <p>18 2012?</p> <p>19 MR. YOUNG: Standing objection.</p> <p>20 THE WITNESS: I would assume shortly before my</p> <p>21 response to Mr. Rodriguez, which I believe is dated</p> <p>22 February 3rd. So I believe it would be between our</p> <p>23 receipt of this on or about January 19th, and, you</p> <p>24 know, between then and February 3rd.</p> <p>25 // ///</p>	<p>1 Discrimination, did you get that?</p> <p>2 MR. YOUNG: Standing objection.</p> <p>3 THE WITNESS: During that time period back</p> <p>4 when we are talking about?</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q Back then.</p> <p>7 A I have no specific recollection of what</p> <p>8 documents I received at that time.</p> <p>9 Q Okay. Now looking at it, could you please</p> <p>10 look at the first page? It's CCSD001082. Is that the</p> <p>11 Bates stamp number --</p> <p>12 A Yes.</p> <p>13 Q -- on the first page of Exhibit 28? Now</p> <p>14 having looked at this, is your memory refreshed as to</p> <p>15 whether or not you actually got a copy of this page,</p> <p>16 which is the notice?</p> <p>17 A No.</p> <p>18 Q Okay. And then the second page of Exhibit 28,</p> <p>19 which is Election of Response Form to the Clark County</p> <p>20 School District, it's a two-page document in</p> <p>21 Exhibit 28. Do you see that?</p> <p>22 A I do.</p> <p>23 Q Do you recall getting that --</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 \\\</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q So Mr. Rodriguez received the notice and the</p> <p>3 Charge of Discrimination, and at some point in time</p> <p>4 thereafter -- or, do you know when he got it?</p> <p>5 MR. YOUNG: Standing objection. Also calls</p> <p>6 for speculation.</p> <p>7 THE WITNESS: No, other than the date that</p> <p>8 it's dated, no, I do not have specific details or</p> <p>9 recollection of exactly when he received it.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q But some time between then and the date that</p> <p>12 you wrote your memo which you provided to him, he sent</p> <p>13 you a copy of the charge of discrimination?</p> <p>14 A Either he sent it to me, or I got it through</p> <p>15 the Clark County School District Police Department.</p> <p>16 Q And when you got the Charge of Discrimination,</p> <p>17 did you get any of the other paperwork that's contained</p> <p>18 in Exhibit 28?</p> <p>19 MR. YOUNG: Standing objection.</p> <p>20 THE WITNESS: I can't recall exactly which</p> <p>21 documents were enclosed.</p> <p>22 BY MS. ENGLAND:</p> <p>23 Q Okay. Well, then let's go through it.</p> <p>24 A Okay.</p> <p>25 Q The January 19th Notice of Charge of</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q -- back then?</p> <p>3 A I do not have a specific recollection of what</p> <p>4 I received back then.</p> <p>5 Q Does this, looking at this document, refresh</p> <p>6 your memory in any way as to whether or not you got</p> <p>7 this Election of Response Form back then in the late</p> <p>8 January 2012, early February 2012, time frame?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q Did you participate in the Clark County School</p> <p>13 District's decision to refuse to participate in the</p> <p>14 informal settlement conference which is the first event</p> <p>15 that the Nevada Equal Rights Commission holds?</p> <p>16 MR. YOUNG: Standing objection.</p> <p>17 THE WITNESS: Not that I recall.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q So now turn to the fourth page, I think, of</p> <p>20 Exhibit 28. This is the Charge of Discrimination.</p> <p>21 It's two pages long. Do you recall -- you've already</p> <p>22 said you got that some time before providing your</p> <p>23 response on February 3rd to Mr. Rodriguez? Is that a</p> <p>24 fair statement?</p> <p>25 A Yes.</p>

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<p>1 Q And attached to the Charge of Discrimination</p> <p>2 is a Remedy Request and Settlement Demand. Do you see</p> <p>3 that?</p> <p>4 A I do.</p> <p>5 Q Did you get a copy of that?</p> <p>6 MR. YOUNG: Standing objection.</p> <p>7 THE WITNESS: I do not recall.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q In this, Officer Roberts indicates that one of</p> <p>10 the remedies he is seeking, amongst others, is, "Full</p> <p>11 acknowledgment of my gender change and use of all male</p> <p>12 facilities without discriminatory and restrictive</p> <p>13 guidelines." Do you see that?</p> <p>14 A I do.</p> <p>15 Q Do you recall being made aware back in that</p> <p>16 time frame of Officer Roberts asking in January of 2012</p> <p>17 that the School District fully accept his gender</p> <p>18 transition to male?</p> <p>19 MR. YOUNG: Standing objection.</p> <p>20 THE WITNESS: The district was always aware</p> <p>21 from the very first time that have Officer Roberts</p> <p>22 notified us of his gender identity, change in gender</p> <p>23 identity, that he desired full acknowledgment of his</p> <p>24 gender identity change.</p> <p>25 // ///</p>	<p>1 THE WITNESS: The answer would be that the</p> <p>2 decision was a joint decision of all the parties</p> <p>3 involved which would include --</p> <p>4 BY MS. ENGLAND:</p> <p>5 Q Well, it didn't include Brad Roberts, did it?</p> <p>6 A If I can finish --</p> <p>7 MR. YOUNG: Objection. Argumentative.</p> <p>8 THE WITNESS: All the CCSD parties involved,</p> <p>9 which was --</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q Who?</p> <p>12 A -- Tom Rodriguez, the legal office, the</p> <p>13 superintendent --</p> <p>14 Q Who at legal office, if not you?</p> <p>15 MR. YOUNG: The witness is trying to answer,</p> <p>16 Kathy. Can you please just restrain yourself from</p> <p>17 having to interrupt before he's done answering?</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q Mr. Okazaki, you know that I'm asking you --</p> <p>20 MR. YOUNG: Why don't you go ahead and answer,</p> <p>21 to the extent you can remember, what you were trying to</p> <p>22 answer the question about, and hopefully Ms. England</p> <p>23 will be able to restrain herself and not speak over</p> <p>24 you?</p> <p>25 // ///</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q So who, as the 30(b)(6) Designee on</p> <p>3 Subject No. 4, who at the School District was in charge</p> <p>4 of reviewing Officer Roberts' remedy request where he's</p> <p>5 asking for full acknowledgment of his gender and his</p> <p>6 ability to use male facilities, but decided in January</p> <p>7 of 2012 that he was still to be denied that?</p> <p>8 MR. YOUNG: Standing objection.</p> <p>9 THE WITNESS: The individual responsible for</p> <p>10 receiving these documents and responding would be Tom</p> <p>11 Rodriguez.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q Who made the decision?</p> <p>14 A The decision would be a District decision.</p> <p>15 Q Who made the decision about what the</p> <p>16 District's response was going to be to this remedy</p> <p>17 request, dated January 11th, 2012, provided to the</p> <p>18 School District by a letter on January 19th, 2012?</p> <p>19 MR. YOUNG: Standing objection. It's outside</p> <p>20 the scope, Kathy. You're talking -- Topics 4 says</p> <p>21 actions in response to the May 3rd, 2012,</p> <p>22 determination, not anything in response to a remedy</p> <p>23 request in his charge of discrimination. So it's</p> <p>24 totally outside the topic. And I will make my standing</p> <p>25 objection. You can answer if you know anything.</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q Mr. Okazaki, I'm not asking you for offices.</p> <p>3 I'm not asking you for departments. I'm asking you</p> <p>4 who. And "who" means name the individuals. You are</p> <p>5 here today as the School District's 30(b)(6) Designee</p> <p>6 on the subject of --</p> <p>7 MR. YOUNG: Not the subject that you're asking</p> <p>8 questions about, Kathy. That's the problem. So why</p> <p>9 don't you ask some questions that are actually about</p> <p>10 the subject that you identified and that you wrote,</p> <p>11 because you're asking questions that have nothing to do</p> <p>12 with that.</p> <p>13 BY MS. ENGLAND:</p> <p>14 Q Mr. Okazaki, the question was who, not which</p> <p>15 department, not which office, not which agency. It is</p> <p>16 who at the School District made the decision what the</p> <p>17 District's response in the administrative procedure was</p> <p>18 going to be to Brad Roberts' remedy request asking for</p> <p>19 full acknowledgment of his gender change and use of all</p> <p>20 male facilities without discriminatory and restrictive</p> <p>21 guidelines? You've identified one human being so far,</p> <p>22 Mr. Tom Rodriguez. Who else, if anyone, participated</p> <p>23 in the School District's decision in response to that</p> <p>24 remedy request in these administrative proceedings?</p> <p>25 MR. YOUNG: Standing objection.</p>

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<p>1 THE WITNESS: Scott Greenberg and Dwight 2 Jones. 3 BY MS. ENGLAND: 4 Q And in preparation for your being the School 5 District's 30(b)(6) Designee on these subjects, did you 6 speak with Superintendent Dwight Jones about his 7 participation in any of these three subjects? 8 MR. YOUNG: Standing objection. 9 THE WITNESS: No. 10 BY MS. ENGLAND: 11 Q And did you review any documentation which 12 showed that, during this time frame, Superintendent 13 Jones did anything other than tell legal counsel that 14 he supported their position -- 15 MR. YOUNG: Standing objection. 16 BY MS. ENGLAND: 17 Q -- that Officer Roberts was to be told he was 18 not allowed to use the men's restroom until he had a 19 surgical change to his genitals? 20 MR. YOUNG: Standing objection. 21 THE WITNESS: No. 22 BY MS. ENGLAND: 23 Q Did Mr. Greenberg provide you with any 24 additional facts that indicated that in any way, shape, 25 or form Superintendent Jones was involved in this</p>	<p>1 Superintendent Jones' involvement besides his e-mail 2 indicating his approval of the position that had 3 already been taken? 4 MR. YOUNG: Standing objection. 5 THE WITNESS: No. 6 BY MS. ENGLAND: 7 Q We're done with number 28. You can go on to 8 29. 9 Did you have a moment review Exhibit 29? It's 10 a two-page document dated January 26th, 2012, which is 11 addressed by the Nevada Equal Rights Commission to Tom 12 Rodriguez, Affirmative Action Manager of the Clark 13 County School District? 14 A I did. 15 Q This confirms that the commission has received 16 an indication from the School District that the School 17 District is declining and waiving its participation in 18 the informal settlement conference which had already 19 been set up by the Nevada Equal Rights Commission. 20 MR. YOUNG: Standing objection. 21 BY MS. ENGLAND: 22 Q Do you see that? 23 A I do. 24 Q Do you know on how many other occasions the 25 School District has declined to participate in the</p>
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<p>1 decision? 2 MR. YOUNG: Standing objection. 3 THE WITNESS: No. 4 BY MS. ENGLAND: 5 Q Did anyone provide you with any information 6 that showed that Superintendent Dwight Jones was in any 7 way, shape, or form involved in the actual decision as 8 opposed to approving it after it had already been 9 communicated to Officer Roberts? 10 MR. YOUNG: Standing objection. It's also 11 vague as to what decision you're talking about. 12 THE WITNESS: My answer -- my reference to 13 Superintendent Dwight Jones was in response to your 14 question about who made the decision of the District's 15 response to Brad Roberts' NERC complaint and his 16 recommended -- or his requested remedy. And my answer 17 was Tom Rodriguez, Scott Greenberg, and Dwight Jones. 18 BY MS. ENGLAND: 19 Q So now I'm asking you: What evidence of any 20 kind did you find that Superintendent Dwight Jones was 21 in any way involved in this decision? 22 A The e-mail in which he was advised of the 23 position that was being -- that was given to -- the 24 District's position and his agreement with it. 25 Q Did you find any other evidence of</p>	<p>1 informal settlement conference, the first event -- 2 MR. YOUNG: Standing objection. 3 BY MS. ENGLAND: 4 Q -- which is scheduled by the Nevada Equal 5 Rights Commission in a discrimination case? 6 MR. YOUNG: Standing objection. 7 THE WITNESS: No, I do not have exact numbers 8 on how many times that that's happened. 9 BY MS. ENGLAND: 10 Q Is it a frequent occurrence? 11 A I don't have any information. 12 Q Do you go to the Nevada Equal Rights 13 Commission ISMs? Or is someone else in the legal 14 department primarily responsible for those, or not at 15 all? Is it -- 16 A I'm not aware of the attorneys being primarily 17 responsible for attending those. 18 Q Fair enough. So whose decision was it to not 19 participate? 20 MR. YOUNG: Standing objection. 21 THE WITNESS: It would be Tom Rodriguez. And, 22 again, I'm not -- I didn't prepare for this particular 23 question. 24 BY MS. ENGLAND: 25 Q Okay.</p>

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1 A But I'm assuming -- it's definitely Tom
2 Rodriguez in all likelihood with the -- in consultation
3 with the legal office, Scott Greenberg.
4 Q And do you recall if it was actually
5 Mr. Rodriguez who made that decision, or if it was
6 Scott Greenberg who told Mr. Rodriguez that that's what
7 we're going to do?
8 MR. YOUNG: Standing objection.
9 THE WITNESS: I don't have that specific
10 information. I know that Mr. Rodriguez typically
11 handles these complaints received and the processes.
12 So I would assume that he would be the one who was
13 primarily responsible for that decision.
14 BY MS. ENGLAND:
15 Q When you say "he," who are you talking about?
16 A Tom Rodriguez.
17 Q Thank you.
18 And now would you go on to Exhibit No. 30?
19 During that small break that we had, did you have a
20 chance to take a look at this?
21 A I did.
22 Q Exhibit No. 30 has your February 3rd, 2012,
23 memorandum of which you spoke a few minutes ago; is
24 that correct?
25 A Correct.

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1 Q Is there a signed version of your memorandum?
2 A I do not know that there is.
3 Q Is that your normal practice, to sign
4 memorandum, or do they just go out like this with no
5 signature?
6 A I would think that my normal course would be
7 to initial my name there. I'm not -- I can't tell you
8 that it's never gone out without it. This could have
9 been even e-mailed to him. So I'm not sure.
10 Q If it's e-mailed to him, it would not have
11 been a scan with your initials on it? It would have
12 been just the --
13 A I'm sure it's happened both ways.
14 Q When did you prepare this February 3rd,
15 2012 --
16 A I'm sure either --
17 MR. YOUNG: Standing objection. You can
18 answer.
19 THE WITNESS: -- on or before, shortly before
20 February 3rd.
21 BY MS. ENGLAND:
22 Q This was as a result of your having been
23 provided with a copy of the Charge of Discrimination
24 which was that -- Officer Roberts' Charge of
25 Discrimination, which is contained in Exhibit 28?

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1 MR. YOUNG: Standing objection.
2 THE WITNESS: Correct.
3 BY MS. ENGLAND:
4 Q This says that you assisted the executive
5 staff of the police department in addressing Officer
6 Roberts' request to use the male restroom. Officer
7 Roberts' request was far broader than that, was it not?
8 MR. YOUNG: Standing objection.
9 THE WITNESS: Yes.
10 BY MS. ENGLAND:
11 Q And in your e-mail -- excuse me -- in your
12 February 3rd, 2012, memo, you did not document the
13 dates upon which you took each of these actions, did
14 you?
15 MR. YOUNG: Standing objection.
16 THE WITNESS: No, there's no dates in this
17 memo.
18 BY MS. ENGLAND:
19 Q And why is that, Mr. Okazaki?
20 MR. YOUNG: Standing objection.
21 THE WITNESS: Probably because I didn't
22 consider it to be relevant.
23 BY MS. ENGLAND:
24 Q It says in your first paragraph that, as far
25 as you knew at the time you were writing this memo,

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1 "Everything that was done or said by Chief Ketsaa,
2 Captain York, and/or Lieutenant Young in regard to this
3 issue was reviewed and approved by legal." Do you see
4 that?
5 A I do.
6 Q When you said "by legal," were you referring
7 to yourself, or to Mr. Greenberg, or to both of you?
8 MR. YOUNG: Standing objection.
9 THE WITNESS: Myself.
10 BY MS. ENGLAND:
11 Q So why didn't you say that instead of just
12 saying "by legal"?
13 MR. YOUNG: Standing objection.
14 THE WITNESS: Because my action is -- the
15 action of the Office of General Counsel is the action
16 of legal.
17 BY MS. ENGLAND:
18 Q Did you write this memorandum in the
19 administrative proceedings, or for the administrative
20 proceedings for the express purpose of allowing it to
21 be submitted to the Nevada Equal Rights Commission as
22 part of the documentation of what the School District
23 did in the activities which are the subject matter of
24 the charge?
25 MR. YOUNG: Standing objection.

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1 THE WITNESS: No. This was written to provide

2 Tom Rodriguez with the District's actions and position

3 relative, or relative to the complaint filed by Officer

4 Roberts.

5 BY MS. ENGLAND:

6 Q Well, did you do it with the express purpose

7 that Mr. Rodriguez was then permitted, as part of the

8 School District's filings, to provide it to the Nevada

9 Equal Rights Commission?

10 MR. YOUNG: Standing objection.

11 THE WITNESS: No, I don't know -- I don't

12 recall that that was the express intent or that there

13 was an express understanding that he was going to do

14 that.

15 BY MS. ENGLAND:

16 Q Did you know he was going to use it as

17 Exhibit A?

18 A I don't recall whether he was -- or -- I knew

19 that he was or not.

20 Q And in your memo to Tom Rodriguez, you

21 indicated, "In that regard" -- you see the paragraph

22 that says, "In that regard"?

23 A Yes.

24 Q "Officer Roberts was told that due to the fact

25 that he was still biologically female, he would not be

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1 allowed to use the male restroom."

2 And that's consistent with all the testimony

3 you gave already about the meetings on November 22nd

4 and the advice that you gave School District Police

5 Department officials who then conveyed it to Officer

6 Roberts; is that right?

7 MR. YOUNG: Standing objection.

8 THE WITNESS: Yes.

9 BY MS. ENGLAND:

10 Q And then it says, "Further because his

11 appearance was of the male gender, we would not require

12 him to use the female restroom." Do you see that?

13 A I do.

14 Q Do you recall having a discussion with Officer

15 Roberts about that issue?

16 MR. YOUNG: Standing objection.

17 THE WITNESS: Yes.

18 BY MS. ENGLAND:

19 Q And wasn't it Brad Roberts who said, "Because

20 I look male and because I identify with the male

21 gender, I am not willing to use the female restroom, or

22 it would be inappropriate for me," that it was Officer

23 Roberts who initiated that?

24 MR. YOUNG: Standing objection.

25 THE WITNESS: I don't recall who initiated

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1 that.

2 BY MS. ENGLAND:

3 Q And then you go on to say, "Instead, we

4 promised to always make available to him, and therefore

5 require him to use a gender-neutral or single-occupant

6 restroom until such time that he became biologically

7 male." Do you see that?

8 A I do.

9 Q Officer Roberts was not under this prohibition

10 permitted to use a single-occupant male restroom, was

11 he?

12 MR. YOUNG: Standing objection.

13 THE WITNESS: No, he was allowed to use

14 single-occupant restrooms.

15 BY MS. ENGLAND:

16 Q Was he allowed to use a single-occupant male

17 restroom?

18 MR. YOUNG: Standing objection.

19 THE WITNESS: Yes, our -- my understanding is

20 he was allowed to use single-occupant restrooms.

21 BY MS. ENGLAND:

22 Q Was he allowed to use a single-occupant

23 restroom that was marked with the male sign?

24 MR. YOUNG: Standing objection.

25 /////

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1 BY MS. ENGLAND:

2 Q He wasn't, was he?

3 A No -- yes, my -- that direction, or my

4 understanding of the District's position communicated

5 to him was that he was allowed to use single-occupant

6 restrooms.

7 Q If that single-occupant restroom was marked

8 with the male sign, he was not permitted to use it

9 under this ban, was he?

10 MR. YOUNG: Standing objection.

11 THE WITNESS: That's not my understanding.

12 BY MS. ENGLAND:

13 Q So you're saying that during this period of

14 time, your understanding was that Brad Roberts was

15 permitted to use single-use male restrooms at the

16 School District?

17 MR. YOUNG: Standing objection.

18 THE WITNESS: Yes.

19 BY MS. ENGLAND:

20 Q Would it surprise you, Mr. Okazaki, that you

21 are the only person who thinks that Brad Roberts was

22 permitted to use single-occupant male restrooms at

23 Clark County School District facilities between October

24 2011 and 2012?

25 A Yes.

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<p>1 Q And, in fact, do you recall that Officer</p> <p>2 Roberts pointed out on November 22nd, 2011, in that</p> <p>3 meeting where, in fact, he heard you tell him he can't</p> <p>4 use single-occupant male restrooms, that he said that</p> <p>5 the restrooms at that building where you were, both</p> <p>6 single-occupant ones were -- had gender-specific, and</p> <p>7 he was not permitted to use those?</p> <p>8 MR. YOUNG: Standing objection.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q Do you remember that?</p> <p>11 A I do not.</p> <p>12 Q And, in fact, at police headquarters where you</p> <p>13 had the meeting with him on November 22nd, 2011, did</p> <p>14 you go out and look at the two single-use restrooms</p> <p>15 that would be available for him?</p> <p>16 A I did not go out and look at any restrooms.</p> <p>17 Q You say you promised to make it available to</p> <p>18 him. Do you understand that police headquarters where</p> <p>19 you had this meeting, where you claim now that you</p> <p>20 promised to make it available to him, and where you now</p> <p>21 claim that he was permitted to use single-occupant male</p> <p>22 restrooms, that there was no restroom in that police</p> <p>23 headquarters that he was permitted to use --</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 // // //</p>	<p>1 provide him anything in writing.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Okay. And then if you look at page -- you're</p> <p>4 on Exhibit 30. Did you assist Mr. Rodriguez in</p> <p>5 providing us, which also has as an exhibit your memo</p> <p>6 which we were just discussing?</p> <p>7 A No, I did not assist Tom Rodriguez in</p> <p>8 preparing this Exhibit 30.</p> <p>9 Q And do you see on page 2 of the School</p> <p>10 District's response to the Nevada Equal Rights</p> <p>11 Commission Item No. 6?</p> <p>12 A I see an Item No. 6.</p> <p>13 Q And it says:</p> <p>14 "On November 22, 2011, a meeting was attended</p> <p>15 by Officer Roberts; Ms. Jane Heenan of Equality of</p> <p>16 Southern Nevada; Sergeant Phil Gervasi, President of</p> <p>17 the Clark County School District Police Department</p> <p>18 Union; Mr. Jon Okazaki, Senior Assistant General</p> <p>19 Counsel; Captain Anthony York; and Lieutenant Kenneth</p> <p>20 Young to discuss Officer Roberts' transition from</p> <p>21 female to male. At that meeting, the School District</p> <p>22 acknowledged Officer Roberts' female to male</p> <p>23 transgender, acknowledged that Officer Roberts</p> <p>24 identified with the male gender, acknowledged that he</p> <p>25 wanted to be called Brad Roberts, and acknowledged that</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q -- and that everyone who occupied that</p> <p>3 building has conceded to that fact?</p> <p>4 A No.</p> <p>5 MR. YOUNG: Standing objection.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q So your direction apparently, now as you're</p> <p>8 stating it, was not clear enough, and that Brad Roberts</p> <p>9 was indeed during this year allowed to use single-use</p> <p>10 male restrooms even though he had not had a sex change</p> <p>11 operation?</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. ENGLAND:</p> <p>15 Q But you never committed these directions in</p> <p>16 writing to Officer Roberts, did you, that, "Brad, it's</p> <p>17 okay for you to use single-use male restrooms at Clark</p> <p>18 County School District facilities"?</p> <p>19 MR. YOUNG: Standing objection.</p> <p>20 THE WITNESS: No, I didn't -- I didn't -- I</p> <p>21 don't believe we provided Officer Roberts with</p> <p>22 anything, any of this in writing in response to -- I</p> <p>23 remember, you know, Captain York indicating that he'll</p> <p>24 provide something in writing to Officer Roberts'</p> <p>25 requests. And then we had the meeting, and we did not</p>	<p>1 Officer Roberts wanted masculine pronouns to be used</p> <p>2 when referring to him. The School District, however,</p> <p>3 rejected Officer Roberts' request to use the male</p> <p>4 restroom. Specifically, Mr. Okazaki advised Officer</p> <p>5 Roberts that he could not use the male restroom until</p> <p>6 he had a genital, open paren, sex change surgical</p> <p>7 procedure. Officer Roberts was advised to use</p> <p>8 gender-neutral or unisex restrooms."</p> <p>9 Mr. Okazaki, is it your testimony here today</p> <p>10 that that statement to the Nevada Equal Rights</p> <p>11 Commission is inaccurate, and that indeed what you're</p> <p>12 saying today is that Officer Roberts was indeed allowed</p> <p>13 to use single-occupant male restrooms?</p> <p>14 MR. YOUNG: Standing objection.</p> <p>15 THE WITNESS: Yes, I would say it's</p> <p>16 incomplete.</p> <p>17 BY MS. ENGLAND:</p> <p>18 Q Okay. We're done with that.</p> <p>19 I would ask you to go to Exhibit No. 31.</p> <p>20 A Okay.</p> <p>21 Q Let's go back to Exhibit 30.</p> <p>22 If this representation to the Nevada Equal</p> <p>23 Rights Commission is incorrect, and if, as you say,</p> <p>24 contrary to every other witness who has been deposed,</p> <p>25 that Brad Roberts was permitted to use male</p>

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<p>1 single-occupant restrooms during this prohibition</p> <p>2 period, why is it that you didn't clarify this in all</p> <p>3 of these submissions to the Nevada Equal Rights</p> <p>4 Commission?</p> <p>5 MR. YOUNG: Standing objection.</p> <p>6 THE WITNESS: First of all, I didn't say that</p> <p>7 this was incorrect. I said it was arguably incomplete.</p> <p>8 The District's position on this was that Brad</p> <p>9 Roberts was not going to be allowed to use the male</p> <p>10 restroom. And as an alternative, he had to use either</p> <p>11 gender-neutral or single-occupancy restrooms. I do not</p> <p>12 recall at the meeting on November 22nd there being a</p> <p>13 question about the only bathroom in the police station</p> <p>14 single occupancy had gender identifications, and can I</p> <p>15 use -- can I use male-identified single-occupancy</p> <p>16 restroom? The position of the District was that</p> <p>17 Officer Roberts was not going to be allowed to use a</p> <p>18 community male restroom until his biology matched that</p> <p>19 gender. And he was told that he needed to use</p> <p>20 single-occupancy, gender-neutral type facilities to</p> <p>21 avoid that situation.</p> <p>22 BY MS. ENGLAND:</p> <p>23 Q So these things --</p> <p>24 A That's what I represented to -- that's my</p> <p>25 recollection of what was told to Officer Roberts during</p>	<p>1 what -- you know, as to what was intended, or what was</p> <p>2 received, or what was followed, you know -- but I don't</p> <p>3 recall there being any confusion at the time that this</p> <p>4 was being discussed with Officer Roberts.</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q And the person who was discussing it was you?</p> <p>7 A In that meeting on November 22nd, yes.</p> <p>8 Q And are you certain, as you sit here today,</p> <p>9 that -- well, strike that.</p> <p>10 You were the one who was articulating the</p> <p>11 District's position to Officer Roberts?</p> <p>12 A Yes.</p> <p>13 Q And so if there was any confusion that was</p> <p>14 created, it was created by you, was it not?</p> <p>15 MR. YOUNG: Objection. Argumentative. Also,</p> <p>16 standing objection.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q And you did not put the specifics of the ban</p> <p>20 in writing to Officer Roberts, did you?</p> <p>21 A No.</p> <p>22 Q And now as you're sitting here today, you're</p> <p>23 saying that Officer Roberts was indeed permitted, and</p> <p>24 that you told him that he was permitted to use</p> <p>25 single-use male restrooms?</p>
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<p>1 that meeting. That was my understanding of everybody's</p> <p>2 understanding, including Officer Roberts. And then</p> <p>3 that's what I summarized in my memorandum to Tom</p> <p>4 Rodriguez. And I believe that is the -- that was the</p> <p>5 District's position.</p> <p>6 Q Okay. So go back to Exhibit 30. Go to your</p> <p>7 memo, which is the last part of this, and show us, or</p> <p>8 please read the language where you claim now, in</p> <p>9 contradiction to everyone else in this case, that</p> <p>10 Officer Roberts was told that he was permitted to use</p> <p>11 male single-occupant restrooms.</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 THE WITNESS: It says, "We promised to always</p> <p>14 make available to him, and therefore require him to</p> <p>15 use, a gender-neutral or single-occupant restroom until</p> <p>16 such time that he became biologically male."</p> <p>17 I think the confusion here is that it's not</p> <p>18 articulated about what if the single-occupancy restroom</p> <p>19 is designated male?</p> <p>20 BY MS. ENGLAND:</p> <p>21 Q So let's answer that question. Who created</p> <p>22 that confusion?</p> <p>23 MR. YOUNG: Standing objection.</p> <p>24 THE WITNESS: I don't think anybody created</p> <p>25 it. I think it's -- if there's an issue now as to</p>	<p>1 A No, I -- my testimony was I don't recall it</p> <p>2 being -- the detail of single-occupancy restrooms with</p> <p>3 a designation of male. I don't remember that being --</p> <p>4 that coming up.</p> <p>5 Q So you didn't make that clear to Officer</p> <p>6 Roberts when you told him what the District's position</p> <p>7 was, did you?</p> <p>8 A Correct, because it didn't come up.</p> <p>9 Q And as you sit here today, in your mind, you</p> <p>10 believe that the District's position at that time,</p> <p>11 which you did not make clear, was that Officer Roberts</p> <p>12 was permitted at Clark County School District</p> <p>13 facilities to use a single-occupant restroom that was</p> <p>14 not gender neutral, that was, in fact, marked "male"?</p> <p>15 That's your testimony here today?</p> <p>16 A Yes. My understanding of the District's</p> <p>17 position was that Officer Roberts was allowed to use</p> <p>18 single-occupancy restrooms.</p> <p>19 Q That were -- you keep lopping off the part of</p> <p>20 the question that I'm asking. And this is incredibly</p> <p>21 important, Mr. Okazaki. So I would appreciate it if</p> <p>22 you would actually answer the question.</p> <p>23 Was -- is it your testimony here today that</p> <p>24 the District's position on November 22nd, 2011, was</p> <p>25 that Officer Brad Roberts was permitted to use</p>

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<p>1 single-occupant male restrooms at Clark County School</p> <p>2 District facilities?</p> <p>3 MR. YOUNG: Standing objection. Also,</p> <p>4 argumentative. You can answer.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q And was it the District's position at the time</p> <p>8 that Officer Roberts was permitted to use single-use</p> <p>9 male-specific restrooms even though he had not yet</p> <p>10 provided medical documentation that he had -- that his</p> <p>11 genitals had been changed to male?</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MS. ENGLAND:</p> <p>15 Q And your testimony here today is that the</p> <p>16 issue of Brad Roberts being allowed now, as you say, to</p> <p>17 use single-use male restroom facilities at Clark County</p> <p>18 School District did not come up during the November</p> <p>19 22nd, 2011, meeting?</p> <p>20 MR. YOUNG: Standing objection.</p> <p>21 THE WITNESS: Correct, not that I recall.</p> <p>22 BY MS. ENGLAND:</p> <p>23 Q Okay. So now we go back to Exhibit 30.</p> <p>24 Looking at your exhibit -- I'm sorry -- your</p> <p>25 memo, it says, we were on the line which says,</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q Sure.</p> <p>3 After the ban went in place, did you undertake</p> <p>4 any survey or undertake to find out any facts about</p> <p>5 whether or not it was difficult for Officer Roberts to</p> <p>6 complete his work because this ban was in place which</p> <p>7 prohibited him from using male restroom facilities at</p> <p>8 the buildings he routinely visited?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q Did you, in that meeting on November 22nd,</p> <p>13 2011, ask Brad Roberts if this ban about using restroom</p> <p>14 facilities was going to make it more difficult for him</p> <p>15 to do his job?</p> <p>16 A No.</p> <p>17 MR. YOUNG: Standing objection.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q And other than the case law that you were</p> <p>20 referring to, you did not provide Officer Roberts with</p> <p>21 any other justification for the ban; isn't that</p> <p>22 correct?</p> <p>23 MR. YOUNG: Standing objection.</p> <p>24 THE WITNESS: I don't know what the rationale</p> <p>25 behind the position was discussed. The idea that, you</p>
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<p>1 "Instead, we promised to always make available to him,</p> <p>2 and therefore require him to use, a gender-neutral or</p> <p>3 single-occupant restroom until such time that he became</p> <p>4 biologically male."</p> <p>5 Mr. Okazaki, please -- did you undertake or</p> <p>6 ask anyone in the police department which buildings</p> <p>7 Officer Roberts routinely went to and whether or not</p> <p>8 there were facilities he could use?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: Not that I recall.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q And after the ban was in place which</p> <p>13 prohibited Officer Roberts from using, as you're now</p> <p>14 saying, community male restrooms, did you undertake to</p> <p>15 ascertain in any way whether Officer Roberts was</p> <p>16 inconvenienced or whether his -- it would have made it</p> <p>17 more difficult for him to do his job because there were</p> <p>18 no restroom facilities at the School District's</p> <p>19 buildings that he was routinely visiting?</p> <p>20 MR. YOUNG: Standing objection. And object to</p> <p>21 the extent the question mischaracterizes facts in</p> <p>22 evidence.</p> <p>23 THE WITNESS: Could you repeat the beginning</p> <p>24 of your question? I don't know what the question was</p> <p>25 to me. Was it -- did -- could you repeat the question?</p>	<p>1 know, that we're trying to consider everybody's rights,</p> <p>2 and so when we're talking about going into a</p> <p>3 community -- see, my understanding has always been</p> <p>4 that -- and I think this is completely accurate -- that</p> <p>5 Officer Roberts wanted to use just your general male</p> <p>6 restroom that are used communally by any male who</p> <p>7 happens to be by. He wants to use that one. I don't</p> <p>8 know if the discussion -- if the rationale of trying to</p> <p>9 respect everybody's rights in that bathroom was</p> <p>10 discussed with him. I seem to recall there's a</p> <p>11 possibility that we kind of talked -- that was kind of</p> <p>12 mentioned -- as when they said, why would you do this,</p> <p>13 and why would you take this position? The legal one</p> <p>14 was, you know, because the response was, "Well, you</p> <p>15 know, NERC has come out with their opinion." And I</p> <p>16 said, "I'm fully aware of NERC's position on this</p> <p>17 matter. However, we disagree, and we believe that it's</p> <p>18 not unlawful discrimination to require this." And then</p> <p>19 I said -- you know, I probably mentioned that there is</p> <p>20 case law or legal authority which supports that</p> <p>21 position.</p> <p>22 BY MS. ENGLAND:</p> <p>23 Q And that case law was the Title IX case where</p> <p>24 the School District had gotten summary judgment against</p> <p>25 a transgender student who never enrolled at Green</p>

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<p>1 Valley High School?</p> <p>2 MR. YOUNG: Asked and answered, I don't know</p> <p>3 how many times.</p> <p>4 THE WITNESS: That was one of them, yeah.</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q And the other one you've now remembered is the</p> <p>7 Goins case, which is a 2001 Minnesota decision, so some</p> <p>8 10 to 11 years before this based on Minnesota law --</p> <p>9 MR. YOUNG: Objection. I believe it's been</p> <p>10 asked and answered.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q And Minnesota Fair Employment Practices Law?</p> <p>13 A That was another one.</p> <p>14 Q And how do you consider yourself respecting</p> <p>15 Brad Roberts' rights under the new law in that meeting</p> <p>16 on November 22nd?</p> <p>17 MR. YOUNG: Standing objection. Also,</p> <p>18 argumentative.</p> <p>19 THE WITNESS: The District -- I believe the</p> <p>20 District was respecting Brad Roberts' gender identity</p> <p>21 rights by acknowledging that he has -- his gender</p> <p>22 identity has switched to that of male, and he was going</p> <p>23 to be treated as a male, and referred to as a male, and</p> <p>24 that he was not going to be in any way discriminated,</p> <p>25 or harassed, or in any way treated differently because</p>	<p>1 patrolled?</p> <p>2 MR. YOUNG: Standing objection. Also,</p> <p>3 mischaracterizes facts in evidence.</p> <p>4 THE WITNESS: Yeah -- no -- I'm not aware --</p> <p>5 I'm not -- that's not my understanding.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q And no other employee at the Clark County</p> <p>8 School District was subjected to this ban, were they?</p> <p>9 A At the time, I am not aware of any other</p> <p>10 gender identity employer -- employee who, based upon</p> <p>11 gender identity, had requested to use and was denied</p> <p>12 permission to use a restroom that did not match their</p> <p>13 biological anatomy.</p> <p>14 Q And all other employees were permitted to use</p> <p>15 the restroom facility of their choice?</p> <p>16 MR. YOUNG: Standing objection.</p> <p>17 THE WITNESS: No, that's not correct.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q Please identify all other employees who the</p> <p>20 District subjected to the genital check that -- or,</p> <p>21 genital disclosure that Brad Roberts was subjected to.</p> <p>22 MR. YOUNG: Standing objection.</p> <p>23 THE WITNESS: I'm not aware of any employee</p> <p>24 who was specifically told that they had to use the</p> <p>25 restroom that matched their biological anatomy.</p>
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<p>1 of his gender identity.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Well, he was treated differently. He wasn't</p> <p>4 allowed to use male restrooms at the Clark County</p> <p>5 School District for a whole year.</p> <p>6 MR. YOUNG: Objection. Argumentative.</p> <p>7 BY MS. ENGLAND:</p> <p>8 Q Isn't that different treatment?</p> <p>9 A No, treated differently than other people</p> <p>10 similarly situated, is what I -- is usually the -- is</p> <p>11 what I believe, you know, when you talk about</p> <p>12 discrimination or unequal treatment, it's being treated</p> <p>13 differently than people who are similarly situated.</p> <p>14 Q And Brad Roberts was not allowed to use</p> <p>15 restroom facilities at the Clark County School District</p> <p>16 facilities that he routinely visited as a patrol</p> <p>17 officer; isn't that correct?</p> <p>18 MR. YOUNG: Standing objection.</p> <p>19 THE WITNESS: I'm sorry. Repeat that</p> <p>20 question.</p> <p>21 BY MS. ENGLAND:</p> <p>22 Q Sure.</p> <p>23 Brad Roberts, during that year of prohibition,</p> <p>24 was not allowed to use the male restroom facilities,</p> <p>25 nor any restroom facilities at the schools he routinely</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q And please identify any other employee besides</p> <p>3 Brad Roberts who was asked by School District officials</p> <p>4 to disclose the type, the gender specificity of the</p> <p>5 genitals that they had. Name one other employee</p> <p>6 besides Brad Roberts.</p> <p>7 MR. YOUNG: Standing objection. And object to</p> <p>8 the extent it mischaracterizes facts in evidence.</p> <p>9 THE WITNESS: I'm not aware of us having to</p> <p>10 make that request in response to the employee's request</p> <p>11 to use a restroom that did not match their biological</p> <p>12 anatomy.</p> <p>13 BY MS. ENGLAND:</p> <p>14 Q And name one other employee who was asked to</p> <p>15 make a disclosure about their biological anatomy other</p> <p>16 than Brad Roberts.</p> <p>17 MR. YOUNG: Standing objection. And also</p> <p>18 mischaracterizes facts in evidence. You can respond.</p> <p>19 THE WITNESS: I'm not aware of any other</p> <p>20 employee who, in response to the request to use a</p> <p>21 restroom that did not match their biological anatomy,</p> <p>22 being asked to provide any kind of evidence of their</p> <p>23 anatomy.</p> <p>24 BY MS. ENGLAND:</p> <p>25 Q So regardless of a request -- take that out --</p>

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<p>1 name any other employee besides Brad Roberts who was 2 required to disclose the gender specificity of their 3 genitals in order to use the restroom of their choice. 4 MR. YOUNG: Standing objection. Also, object 5 to the extent the question suggests that Mr. Roberts 6 was required to disclose anything about his genitals. 7 It mischaracterizes the facts in evidence. 8 THE WITNESS: I'm not aware of any other 9 employee. 10 BY MS. ENGLAND: 11 Q So now go to Exhibit 31. This is the Nevada 12 Equal Rights Commission May 3rd, 2012, Determination, 13 addressed to the Respondent, to Mr. Rodriguez, as the 14 Affirmative Action Manager of the Clark County School 15 District PD. 16 When did you first see this determination? 17 A Personally, I think the first time I saw this 18 determination -- first time I have a specific 19 recollection of seeing this determination was in my 20 meeting with Scott Greenberg and legal counsel 21 approximately a week before, or a few days before my 22 last deposition. 23 Q So is it your testimony here today, 24 Mr. Okazaki, that you never saw the Nevada Equal Rights 25 Commission's determination indicating that the School</p>	<p>1 Q Mr. Thomas, Ethan Thomas? 2 A Ethan Thomas. 3 Q Did those three men provide you with the 4 information that you're prepared to testify here today 5 as to what the Clark County School District's position 6 was when the Clark County School District was found to 7 have committed illegal discrimination by the Nevada 8 Equal Rights Commission? 9 MR. YOUNG: I'm going to object. It 10 mischaracterizes what the actual topic is. You said 11 its position. It says these actions in response to, 12 not CCSD's position. So please be specific -- now that 13 we've actually gotten to Topic No. 4 finally at 14 11:00 -- please ask questions that are specific to the 15 actual topic that you devise and not mischaracterize 16 the nature of the topic, Ms. England. It's confusing. 17 THE WITNESS: Yes. 18 MR. YOUNG: And I believe it's deliberately 19 so. So please listen carefully to the question. 20 THE WITNESS: Okay. Could you repeat the 21 question? 22 BY MS. ENGLAND: 23 Q You already answered the question "yes." 24 A Okay. 25 Q So what was the information that Mr. Greenberg</p>
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<p>1 District is committing illegal discrimination until 2 June of 2016? 3 A Yes. 4 Q And so is that the first time you had a chance 5 to look at it and read it in some detail? 6 A Yes. 7 Q And did you in June of 2016, two weeks ago, 8 read it? 9 A Yes. 10 Q So you were not called upon to provide the 11 decision, or make any decisions, or provide any advice 12 back in the May 2012 time frame for the School 13 District's response to this? 14 A No. 15 Q But you're here today to testify as the School 16 District's 30(b)(6) on what the School District did and 17 thought about this finding of discrimination? 18 A Yes. 19 Q And who did you speak to to prepare yourself? 20 A Scott Greenberg and legal counsel. 21 Q When you say "Scott Greenberg and legal 22 counsel," who are you talking about now as legal 23 counsel? 24 A Mr. Young, and I don't know -- I can't 25 remember Ethan's last name.</p>	<p>1 provided you, and what was the information that 2 Mr. Young and Mr. Thomas provided you on this topic? 3 MR. YOUNG: Asked and answered. 4 THE WITNESS: They provided me the information 5 in regard to the District's response to the 6 determination. 7 BY MS. ENGLAND: 8 Q And who made the decision about what the 9 District's response was going to be back in May 2012 10 time frame? 11 A It would be Scott Greenberg, Superintendent 12 Jones, Tom Rodriguez -- those three. 13 Q As opposed to who it would be, please tell us, 14 as the 30(b)(6) Designee on this topic, who at the 15 School District actually made the decision about what 16 the District's response was going to be to the May 3rd, 17 2012, determination that the School District was 18 committing illegal discrimination against Brad Roberts. 19 MR. YOUNG: Standing objection. Outside the 20 scope. 21 THE WITNESS: Yes, those three people made the 22 decision. 23 BY MS. ENGLAND: 24 Q Who told you that those three people made that 25 decision?</p>

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<p>1 MR. YOUNG: Standing objection.</p> <p>2 THE WITNESS: I'm not sure anybody told me</p> <p>3 that those three people made the decision.</p> <p>4 BY MS. ENGLAND:</p> <p>5 Q So in preparing to be the 30(b)(6) Designee</p> <p>6 today, you did not find out exactly who at the District</p> <p>7 either individually, collectively, made the decision</p> <p>8 that was going to be the School District's response to</p> <p>9 the finding of discrimination on May 3rd?</p> <p>10 MR. YOUNG: Standing objection. The topic</p> <p>11 says, "CCSD's actions," not "decision." It says</p> <p>12 "actions."</p> <p>13 THE WITNESS: Yes, my answer -- my answer on</p> <p>14 behalf of the Clark County School District is that</p> <p>15 Scott Greenberg was primarily responsible for preparing</p> <p>16 the legal response to this determination. I understand</p> <p>17 that Tom Rodriguez was involved in the process because</p> <p>18 he is our Affirmative Action Officer primarily</p> <p>19 responsible for dealing with NERC complaints, and also</p> <p>20 that Superintendent Jones was aware of the District's</p> <p>21 position that the legal office and Tom Rodriguez was</p> <p>22 asserting throughout this entire progress.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q So Superintendent Jones' involvement was being</p> <p>25 aware of what the District's position was to be</p>	<p>1 the School District and developed the actions which</p> <p>2 would be taken to implement that decision?</p> <p>3 MR. YOUNG: Standing objection.</p> <p>4 THE WITNESS: No, I wouldn't agree with that.</p> <p>5 I would say that Scott Greenberg was primarily</p> <p>6 responsible for drafting and preparing the District's</p> <p>7 response to the determination with the approval of the</p> <p>8 superintendent and Tom Rodriguez.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q So who at the School District made the</p> <p>11 decision that the District didn't agree with the Nevada</p> <p>12 Equal Rights Commission? The Nevada Equal Rights</p> <p>13 Commission said that the School District is</p> <p>14 discriminating against Brad Roberts. So who made the</p> <p>15 decision at the School District that, "We're not going</p> <p>16 to agree with that"?</p> <p>17 MR. YOUNG: Standing objection.</p> <p>18 THE WITNESS: Scott Greenberg, Superintendent</p> <p>19 Jones, and Tom Rodriguez.</p> <p>20 BY MS. ENGLAND:</p> <p>21 Q Did you speak with Superintendent Jones in</p> <p>22 preparing yourself to come here today to find out if he</p> <p>23 did anything other than be aware of it and approve it,</p> <p>24 that he was actually involved in the decision-making</p> <p>25 process where the Nevada Equal Rights Commission has</p>
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<p>1 communicated to the Nevada Equal Rights Commission?</p> <p>2 A Aware of the position and approving it on</p> <p>3 behalf of the District.</p> <p>4 MR. YOUNG: And standing objection to this</p> <p>5 line of questioning.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q As far as you know, in preparing to be the</p> <p>8 30(b)(6) Designee here today on Subject No. 4,</p> <p>9 Superintendent Jones had no substantive involvement in</p> <p>10 the development of the decision and the actions taken</p> <p>11 thereafter; rather, it was simply that he was aware of</p> <p>12 it and that he later approved it? Is that correct?</p> <p>13 A Yes.</p> <p>14 Q What involvement did Mr. Rodriguez have</p> <p>15 substantively in the decision and in the actions taken</p> <p>16 as a result of that decision?</p> <p>17 MR. YOUNG: Standing objection as to the</p> <p>18 characterization that the topic includes decision</p> <p>19 making as opposed to just actions.</p> <p>20 THE WITNESS: I don't know that Tom Rodriguez</p> <p>21 had any substantive involvement in the District's</p> <p>22 response to the determination.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q So primarily it was Scott Greenberg who</p> <p>25 developed substantively, made the decision on behalf of</p>	<p>1 said the School District is committing illegal Nevada</p> <p>2 discrimination?</p> <p>3 A No.</p> <p>4 Q And so what do you know about Superintendent</p> <p>5 Jones' actual participation or involvement in the</p> <p>6 decision and the subsequent actions?</p> <p>7 MR. YOUNG: Standing objection.</p> <p>8 THE WITNESS: That he was aware of the</p> <p>9 District's position, and agreed with it, and approved</p> <p>10 it.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q So according to this Nevada Equal Rights</p> <p>13 Commission decision finding discrimination, it</p> <p>14 indicates that Brad Roberts told the School District</p> <p>15 that he would be using male restroom or facilities as</p> <p>16 necessary, and that the School District told Roberts</p> <p>17 that he could not use the male restroom until he had</p> <p>18 provided legal documentation stating that he had</p> <p>19 changed his gender from female to male. You're</p> <p>20 testifying here today that that's not what Brad Roberts</p> <p>21 was told, and that, rather, he could use male</p> <p>22 facilities so long as they were single-use male</p> <p>23 facilities.</p> <p>24 You need to be on the first page of</p> <p>25 Exhibit 31.</p>

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<p>1 A No, I said --</p> <p>2 MR. YOUNG: First, I'm going to object to</p> <p>3 counsel's characterization of what Exhibit 31 actually</p> <p>4 is. You can go ahead and respond.</p> <p>5 THE WITNESS: No, I said that Officer Roberts</p> <p>6 was told that he could not use the male restroom, and</p> <p>7 that --</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q And that included single-use male restrooms,</p> <p>10 did it not?</p> <p>11 A No. I said he was advised that he could not</p> <p>12 use male restrooms, and was told to use gender-neutral</p> <p>13 or single-occupancy restrooms.</p> <p>14 Q This Exhibit 31 says that, "Respondent told</p> <p>15 Roberts that he could not use the male restroom until</p> <p>16 he had provided legal documentation stating that he had</p> <p>17 changed his gender from female to male."</p> <p>18 Do you see that sentence?</p> <p>19 A I do.</p> <p>20 Q And are you saying that that was not the</p> <p>21 District's position; that the Nevada Equal Rights</p> <p>22 Commission has completely misstated it; and that, in</p> <p>23 fact, Brad Roberts was permitted to use a</p> <p>24 single-occupant male restroom during this year of</p> <p>25 prohibition? Is that what your testimony is here</p>	<p>1 indicates that the Nevada Equal Rights Commission has</p> <p>2 concluded that the School District is committing</p> <p>3 illegal discrimination? You recognize that, don't you?</p> <p>4 A Yes.</p> <p>5 Q And this says, "Respondent does not offer any</p> <p>6 explanation for its policy other than a previous case</p> <p>7 in which the court found that requiring a pre-operative</p> <p>8 male-to-female transgender to use a gender-neutral or</p> <p>9 single-occupant restroom was not unlawful</p> <p>10 discrimination."</p> <p>11 That was the information -- that was the</p> <p>12 single case that you've talked about, which is the Doe</p> <p>13 versus School District case, the Mahan decision under</p> <p>14 Title IX granting summary judgment; right?</p> <p>15 A What is the question, that the case they're</p> <p>16 referring to in that is that case?</p> <p>17 Q Yes.</p> <p>18 A Yes.</p> <p>19 Q And it says, "Although Respondent does not</p> <p>20 provide any details, it may be referring." So does</p> <p>21 that suggest to you that the School District didn't</p> <p>22 actually identify the case it was relying on, and that</p> <p>23 the Nevada Equal Rights Commission was left to try to</p> <p>24 figure it out?</p> <p>25 MR. YOUNG: Standing objection.</p>
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<p>1 today, Mr. Okazaki?</p> <p>2 MR. YOUNG: I'm going to object to the</p> <p>3 question to the extent it mischaracterizes or leaves</p> <p>4 out information pertaining to what is stated on</p> <p>5 Exhibit 31.</p> <p>6 THE WITNESS: No, he was told he could not use</p> <p>7 a male restroom until he provided evidence of the</p> <p>8 anatomical change to match the male genital.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q And that prohibition included single-use male</p> <p>11 restrooms, did it not?</p> <p>12 A No.</p> <p>13 Q And then this goes on to say that, "At another</p> <p>14 meeting on November 22nd, Respondent reiterated its</p> <p>15 position that Roberts could not use the male restroom</p> <p>16 until he had a sex change surgical procedure."</p> <p>17 That is accurate because -- is it not --</p> <p>18 because that's what you told Brad Roberts on November</p> <p>19 22nd, 2011?</p> <p>20 A I don't know if I used those exact words.</p> <p>21 But, yes, he was told he was not going to be allowed to</p> <p>22 use the male restroom until his anatomy matched that</p> <p>23 gender.</p> <p>24 Q And this Nevada Equal Rights Commission</p> <p>25 determination, you understand that this determination</p>	<p>1 THE WITNESS: No, I have no idea why the</p> <p>2 Nevada Equal Rights Commission is saying what it's</p> <p>3 saying in its determination. That was not the only</p> <p>4 explanation given, or justification given for its</p> <p>5 position. So when the Nevada Equal Rights Commission</p> <p>6 says that, we don't necessarily agree with that.</p> <p>7 BY MS. ENGLAND:</p> <p>8 Q But the Nevada Equal Rights Commission is</p> <p>9 saying, "This is all the School District has told us."</p> <p>10 A And we don't agree with that.</p> <p>11 MR. YOUNG: Standing objection.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q So it says -- the Nevada Equal Rights</p> <p>14 Commission says, "It may be referring to a 2008 case in</p> <p>15 which a pre-operative male-to-female transgendered</p> <p>16 student sued Respondent when it banned the student from</p> <p>17 using the communal ladies' room. However, that case</p> <p>18 was brought pursuant to Title IX, and it was decided</p> <p>19 before the Nevada Legislature amended NRS chapters 233</p> <p>20 and 613 in 2011 to include gender identity or</p> <p>21 expression as a protected category."</p> <p>22 Do you see that?</p> <p>23 A Yes, I see that.</p> <p>24 Q You didn't turn the page on the exhibit.</p> <p>25 A I know what it says.</p>

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<p>1 Q Okay. It says, "Courts have recognized the</p> <p>2 legitimacy of restrooms segregated on the basis of sex.</p> <p>3 However, to create restrooms for each sex but then to</p> <p>4 require Roberts to prove his conformity with</p> <p>5 Respondent's expectations regarding the male anatomy in</p> <p>6 order to use the men's bathrooms violates Nevada's</p> <p>7 anti-discrimination law. Probable cause supports the</p> <p>8 charge of discrimination based on gender identity and</p> <p>9 expression."</p> <p>10 So who decided at the School District what</p> <p>11 actions would be undertaken by the School District upon</p> <p>12 a finding that Brad Roberts is being discriminated</p> <p>13 against in May of 2012?</p> <p>14 MR. YOUNG: I'm just going to object. The</p> <p>15 finding that there was probable cause to believe that</p> <p>16 there was a violation, is what the document says. You</p> <p>17 can respond.</p> <p>18 THE WITNESS: I answered that question. Scott</p> <p>19 Greenberg, with the -- with the awareness and the</p> <p>20 approval of Superintendent Jones and Tom Rodriguez.</p> <p>21 BY MS. ENGLAND:</p> <p>22 Q And what were those actions?</p> <p>23 A To file a response.</p> <p>24 MS. ENGLAND: Would you mark that Exhibit 32?</p> <p>25 (Exhibit 32 marked)</p>	<p>1 behalf of the School District, Mr. Greenberg does not</p> <p>2 point out that Brad Roberts is permitted -- as you've</p> <p>3 testified here today, contradictory to what everyone</p> <p>4 else has testified to -- that Brad Roberts was</p> <p>5 permitted to use single-use male restrooms at School</p> <p>6 District facilities. It does not point that out, does</p> <p>7 it?</p> <p>8 A No.</p> <p>9 MR. YOUNG: The document speaks for itself.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q And the only two cases that are mentioned in</p> <p>12 Mr. Greenberg's challenge on behalf of the School</p> <p>13 District is the Goins case, which you mentioned</p> <p>14 earlier, do you see that, and the Title IX case?</p> <p>15 A Well, there's another case cited.</p> <p>16 Q If you look on the first page, the two cases</p> <p>17 that are cited in that second paragraph about the</p> <p>18 ability of an employer to prohibit a particular</p> <p>19 employee from using the restroom of their gender</p> <p>20 identity are the two cases, the Title IX case that you</p> <p>21 previously talked about, and the Goins case, the 2001</p> <p>22 Minnesota case?</p> <p>23 A That paragraph references two cases; correct.</p> <p>24 Q And the Goins case is an 11-year-old case that</p> <p>25 dealt with Minnesota law, did it not, 11 years before?</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q May I ask you to look at Exhibit 32, please?</p> <p>3 Mr. Okazaki, is this one of the responses that</p> <p>4 you looked at to prepare yourself here today --</p> <p>5 A Yes.</p> <p>6 Q -- to be the Clark County School District</p> <p>7 30(b)(6) Designee on Subject No. 4?</p> <p>8 A Yes.</p> <p>9 Q And so this was provided to you by either</p> <p>10 Mr. Greenberg or by counsel?</p> <p>11 A Yes.</p> <p>12 Q And in this -- what exactly is this document?</p> <p>13 A Response to the determination.</p> <p>14 Q Is this the Clark County School District's</p> <p>15 response to the Nevada Equal Rights Commission's</p> <p>16 determination that the School District is</p> <p>17 discriminating against Brad Roberts?</p> <p>18 A Yes.</p> <p>19 Q And so would it be fair to characterize the</p> <p>20 response, which is, "We are not going to stop doing</p> <p>21 what we're doing to Brad Roberts, and we're going to</p> <p>22 fight this and ask the Nevada Equal Rights Commission</p> <p>23 to reverse themselves"? Is that a fair statement?</p> <p>24 A Yes.</p> <p>25 Q And in this response by Mr. Greenberg on</p>	<p>1 A It looks like the decision date was 2001.</p> <p>2 Q And then you said the third case is the one</p> <p>3 that you're referring to on the second page, which is</p> <p>4 having to do with OSHA regulations and OSHA regulations</p> <p>5 requiring, or allowing facilities to have gender</p> <p>6 segregated restroom or bathroom facilities; right?</p> <p>7 MR. YOUNG: I'll object to the extent that the</p> <p>8 question said "allow" as opposed to "require."</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q And those OSHA regulations have nothing to do</p> <p>12 with how a person is permitted, or how much genital</p> <p>13 scrutiny they have to undergo in order to use a</p> <p>14 particular sex segregated restroom facility, do they?</p> <p>15 A No, I think those OSHA regulations are</p> <p>16 relevant to the issue of whether somebody who</p> <p>17 identifies with a gender different than their anatomy</p> <p>18 should be allowed to use the restroom of the gender to</p> <p>19 which they identify, or would be required to use the</p> <p>20 restroom of the gender that they match anatomically.</p> <p>21 Q So are you saying the OSHA regulations require</p> <p>22 the provider of the restroom facilities to make persons</p> <p>23 undergo genital disclosures before they're permitted to</p> <p>24 use a restroom facility that's identified as being for</p> <p>25 a particular gender, either male or female?</p>

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<p>1 MR. YOUNG: Standing objection.</p> <p>2 THE WITNESS: No.</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q And, in fact, you don't know what those OSHA</p> <p>5 regulations say, do you?</p> <p>6 A Meaning -- no -- I understand what it says</p> <p>7 here, and what the --</p> <p>8 Q And that's all you know?</p> <p>9 A I understand that those OSHA regulations</p> <p>10 require that bathrooms be segregated for each sex at</p> <p>11 places of employment, and that these OSHA regulations</p> <p>12 have been adopted by Nevada.</p> <p>13 Q And do you know the current OSHA regulations</p> <p>14 which deal specifically with this subject which were</p> <p>15 issued in 2015?</p> <p>16 MR. YOUNG: Standing objection.</p> <p>17 THE WITNESS: No.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q And have you been called upon, Mr. Okazaki, to</p> <p>20 look at the best practices by the OSHA which deal</p> <p>21 specifically with this subject and with gender</p> <p>22 specified restroom facilities?</p> <p>23 A No.</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 // // //</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q And nowhere in Mr. Greenberg's letter</p> <p>3 espousing the position to the Nevada Equal Rights</p> <p>4 Commission does Mr. Greenberg deal with the new Nevada</p> <p>5 law which had gone into effect over six months before</p> <p>6 that, does it?</p> <p>7 MR. YOUNG: Standing objection.</p> <p>8 Argumentative. You can answer.</p> <p>9 THE WITNESS: Yeah, other than the reference</p> <p>10 to the May 3rd determination which was in regard --</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q Mr. Okazaki --</p> <p>13 A If I can finish?</p> <p>14 MR. YOUNG: He's answering the question,</p> <p>15 Kathy.</p> <p>16 MS. ENGLAND: Mr. Okazaki --</p> <p>17 MR. YOUNG: Stop interrupting him.</p> <p>18 THE WITNESS: I'll finish my answer.</p> <p>19 MS. ENGLAND: Mr. Okazaki --</p> <p>20 MR. YOUNG: Go ahead and finish the answer.</p> <p>21 Speak right over the top of her, Mr Okazaki. She's</p> <p>22 being rude.</p> <p>23 THE WITNESS: In regard to -- in regard to --</p> <p>24 other than the reference to the May 3rd determination,</p> <p>25 which was clearly in regard to the new AB 211, the</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q And do you know whether Mr. Greenberg, when he</p> <p>3 was making these representations to the Nevada Equal</p> <p>4 Rights Commission about OSHA regulations, whether he,</p> <p>5 in fact, had updated himself and provided accurate and</p> <p>6 more recent information about what OSHA regulations</p> <p>7 actually said about sex-segregated facilities?</p> <p>8 MR. YOUNG: Standing objection. Are you</p> <p>9 talking about in 2012 what the OSHA regulation said?</p> <p>10 THE WITNESS: Yes, my -- what Mr. Greenberg</p> <p>11 stated in this, in his letter is accurate.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q How do you know that?</p> <p>14 A That's the District's position. What Scott</p> <p>15 Greenberg said in his letter, which is Exhibit 32, is</p> <p>16 accurate.</p> <p>17 Q So was it accurate as of 2012? Was</p> <p>18 Mr. Greenberg -- did you look in to see whether</p> <p>19 Greenberg was accurately representing the current best</p> <p>20 practices as divulged by OSHA and promulgated in 2012?</p> <p>21 Did you check in and make sure he was using the most</p> <p>22 accurate ones?</p> <p>23 MR. YOUNG: Standing objection.</p> <p>24 THE WITNESS: Me personally? No.</p> <p>25 // // //</p>	<p>1 provisions of AB 211, there is no specific reference in</p> <p>2 Mr. Greenberg's letter, Exhibit 32, to AB 211.</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q Mr. Okazaki, I stopped you, and attempted to</p> <p>5 stop you because I believe the court reporter reported,</p> <p>6 and was able to pick up your subvocalization of your</p> <p>7 answer to that question which was "yes." And I believe</p> <p>8 if we asked this court reporter to read it back, she</p> <p>9 will have picked it up.</p> <p>10 So my question was: Nowhere in this</p> <p>11 Exhibit 32 does Mr. Greenberg offer up or discuss the</p> <p>12 new Nevada law which went into effect over six months</p> <p>13 before this, i.e., on October 1st, 2011, does it?</p> <p>14 A Other than the reference to the May 3rd</p> <p>15 determination, which was clearly in regard to AB 211,</p> <p>16 there is no specific reference to that law in</p> <p>17 Mr. Greenberg's letter.</p> <p>18 Q And Mr. Greenberg, on behalf of the School</p> <p>19 District, does not offer any explanation about why the</p> <p>20 School District in the face of that new Nevada law has</p> <p>21 decided that that law does not apply to the School</p> <p>22 District or to the situation, does it?</p> <p>23 A No, he says that based on this other legal</p> <p>24 authority, it's our position that having this</p> <p>25 prohibition in regard to restroom use does not</p>

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<p>1 violate -- does not constitute unlawful discrimination, 2 so we disagree with their determination that it does. 3 So this is in response to the Nevada Equal Rights 4 Commission's determination that by imposing this 5 restriction on Brad Roberts' sexual identity, or gender 6 identity, that we are engaging in unlawful 7 discrimination and violation of Nevada law. We said we 8 disagree. And that based on this legal authority, we 9 don't think that restriction constitutes unlawful 10 discrimination. 11 Q And so the authority that you're speaking of 12 is a 2001 Minnesota case and a Title IX, and you're 13 saying that the District's position was that a 14 three-year-old Title IX case and a 2001 Minnesota case 15 are more authoritative than the Nevada Equal Rights 16 Commission decision and the new Nevada law which went 17 into effect on October 1st, 2011? 18 MR. YOUNG: Argumentative. And asked and 19 answered numerous times. 20 THE WITNESS: Again, I did not say that our 21 position was that they were more authoritative. Our 22 position was that there was applicable legal authority 23 that held that imposing that restriction did not 24 constitute unlawful discrimination. 25 MS. ENGLAND: We'll have this marked as</p>	<p>1 Was the School District aware of this decision 2 at the time it was refusing to stop the practice which 3 the Nevada Equal Rights Commission found was illegal 4 under Nevada law? 5 MR. YOUNG: I'll object. It mischaracterizes 6 the nature of the holding or the ruling, the limited 7 ruling in Macy v. Holder. 8 THE WITNESS: I am not aware that the District 9 had specific knowledge of this case. 10 BY MS. ENGLAND: 11 Q And in preparing yourself to be the 30(b)(6) 12 deponent, Designee, for the Clark County School 13 District here today on what actions did the School 14 District take in response to the May 3rd, 2012, 15 determination of discrimination under Nevada law by the 16 Clark County School District, why is it that you didn't 17 find out whether or not the School District knew about 18 the EEOC decision which said transgender discrimination 19 is Title VII discrimination as well, it's a violation 20 of federal law as well? Why didn't you find out 21 whether the School District knew that at the time it 22 was responding and saying, "No, we're still going to 23 prohibit Brad from using restroom facilities"? 24 MR. YOUNG: Standing objection. And it's 25 argumentative.</p>
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<p>1 Exhibit 33. 2 (Exhibit 33 marked) 3 BY MS. ENGLAND: 4 Q Mr. Okazaki, the court reporter has handed you 5 what has been marked as Exhibit No. 33, which is an 6 EEOC decision which preceded the May 3rd, 2012, 7 decision of the Nevada Equal Rights Commission finding 8 probable cause that the School District was committing 9 illegal discrimination under Nevada law against Brad 10 Roberts. This decision was issued by the EEOC on April 11 20th. So it came out almost two weeks before the 12 Nevada Equal Rights Commission determination. 13 Did the School District take this EEOC 14 decision into account when it cited or refused to 15 comply with the determination and refused to stop 16 its -- what the Nevada Equal Rights Commission felt was 17 illegal discrimination against Brad Roberts? 18 A No, I'm not aware that we -- us specifically 19 considering this case. 20 Q And so this is even more recent authority than 21 a 2001 Minnesota decision, and a Title IX decision in 22 2008. This is the EEOC, the U.S. Government, EEOC, 23 saying that discrimination against transgender people 24 prohibiting them from using restroom facilities is, 25 among other things, a Title VII violation.</p>	<p>1 THE WITNESS: What I was told by Scott 2 Greenberg, was that he had -- he was aware of the legal 3 authority relating to this issue. And the District's 4 position was as stated in his letter. I do not know 5 whether he specifically reviewed this particular case. 6 And I did not ask him if he reviewed this particular 7 case because I didn't ask him about every possible case 8 there is out there and whether he reviewed that 9 particular case. 10 BY MS. ENGLAND: 11 Q So you're a lawyer, Mr. Okazaki. What is more 12 authoritative in Nevada, a Ninth Circuit U.S. Court of 13 Appeals case or a Minnesota Supreme Court case? 14 A Say it again. A Ninth Circuit -- 15 Q You know who the Ninth Circuit is? 16 A Yes. You're asking me which is more 17 authoritative in Nevada, a Ninth Circuit Court of 18 Appeals case or a Minnesota Supreme Court case? 19 Q Yes. Which one? 20 A I guess it would depend on the issue. But in 21 general, the Ninth Circuit. 22 Q On matters of federal law and the application 23 of federal law, which is more authoritative in Nevada? 24 A The Ninth Circuit. 25 Q So look at page 5 of the Macy versus Holder</p>

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<p>1 decision, April 20th, 2012.</p> <p>2 MR. YOUNG: Come on, Kathy. Seriously?</p> <p>3 There's no jury here. I mean, you're not making any</p> <p>4 points by arguing what a case says and what it doesn't</p> <p>5 say. And it's off topic. I'm going to make my</p> <p>6 standing objection.</p> <p>7 BY MS. ENGLAND:</p> <p>8 Q You see note 7?</p> <p>9 A Note 7.</p> <p>10 Q Do you know how to read --</p> <p>11 A Yes, I do.</p> <p>12 Q -- do you know how to read headnotes in case</p> <p>13 law?</p> <p>14 A Well, the -- my understanding is -- okay -- if</p> <p>15 you're looking -- if you're asking me to look at page</p> <p>16 5 --</p> <p>17 Q I did. And I asked you to look at headnote,</p> <p>18 or the paragraph that's marked asterisk 7.</p> <p>19 A Okay. So that's not a headnote. Asterisk 7</p> <p>20 means, I believe, the page number of the actual</p> <p>21 decision. So are you asking me to look at asterisk 7,</p> <p>22 the paragraph that's marked --</p> <p>23 Q Yes, please.</p> <p>24 A Okay.</p> <p>25 Q It's the first full paragraph on this page.</p>	<p>1 that said that discrimination based on transgender</p> <p>2 status is disparate treatment under Title VII. Do you</p> <p>3 recognize that?</p> <p>4 A That's apparently what it says.</p> <p>5 MR. YOUNG: Fine. And it's also a case that</p> <p>6 was under the Gender Motivated Violence Act, not under</p> <p>7 Title VII, not under Title IX. So it's not applicable.</p> <p>8 And this is arguable to a judge. And it makes no sense</p> <p>9 to go over this in this deposition, Kathy. You are</p> <p>10 wasting time.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q Mr. Okazaki, in preparing yourself to be the</p> <p>13 designated 30(b)(6) on behalf of the Clark County</p> <p>14 School District about what actions they were taking in</p> <p>15 May of 2012, by refusing to lift the ban on transgender</p> <p>16 Police Officer Brad Roberts, did the School District</p> <p>17 take into account that 12 years before that, the Ninth</p> <p>18 Circuit had held that discrimination against</p> <p>19 transgender people was considered discrimination under</p> <p>20 Title VII, and that three weeks before the May</p> <p>21 decision, determination by the Nevada Equal Rights</p> <p>22 Commission, that the EEOC had issued a landmark</p> <p>23 decision in this very Macy case, which cited that Ninth</p> <p>24 Circuit decision, and said that employers should not be</p> <p>25 discriminating against transgender employees?</p>
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<p>1 A I'm there.</p> <p>2 Q Would you read the first sentence?</p> <p>3 A "When an employer discriminates against</p> <p>4 someone because the person is transgender, the employee</p> <p>5 [sic] has engaged in disparate treatment," quote,</p> <p>6 "related to the sex of the victim," unquote.</p> <p>7 Q And you used the word the "employee." You</p> <p>8 meant the "employer" has engaged, right?</p> <p>9 A Yes. That's what it says, "The employer has</p> <p>10 engaged."</p> <p>11 Q Do you see the citation it gives there?</p> <p>12 A Yes.</p> <p>13 Q That's the Schwenk case?</p> <p>14 A Yes.</p> <p>15 Q And if you look on the previous page, page 4,</p> <p>16 it gives you the cite. You know how to read a cite,</p> <p>17 Mr. Okazaki?</p> <p>18 A I do.</p> <p>19 Q Look at the third full paragraph down. Do you</p> <p>20 see the cite for Schwenk?</p> <p>21 A I do.</p> <p>22 Q That is a Ninth Circuit 2000 decision, is it</p> <p>23 not?</p> <p>24 A Yes.</p> <p>25 Q And that is a decision by the Ninth Circuit</p>	<p>1 MR. YOUNG: Standing objection.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Did you find that out to prepare yourself here</p> <p>4 today?</p> <p>5 A The District was aware of the relevant case</p> <p>6 law in regard to the issue.</p> <p>7 Q And despite that relevant case law, which is a</p> <p>8 Ninth Circuit decision, the School District continued</p> <p>9 its illegal prohibition against Brad Roberts which</p> <p>10 prohibited him from using male restroom facilities;</p> <p>11 isn't that correct?</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 Argumentative. You can answer.</p> <p>14 THE WITNESS: No, we do not concede that what</p> <p>15 we -- the restriction was illegal. We were aware of</p> <p>16 relevant case law, and took a position.</p> <p>17 BY MS. ENGLAND:</p> <p>18 Q And then if you'll look on page 5 again, it's</p> <p>19 referring to the Schwenk versus Hartford decision,</p> <p>20 which is the 2000 Ninth Circuit decision. If you'll</p> <p>21 look at the paragraph that begins, "The court relied on</p> <p>22 Price Waterhouse" --</p> <p>23 A Okay.</p> <p>24 Q Are you at that paragraph?</p> <p>25 A I am.</p>

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<p>1 Q Would you read the second sentence of that</p> <p>2 paragraph?</p> <p>3 A "Accordingly, the Ninth Circuit concluded</p> <p>4 discrimination against transgender families [sic],</p> <p>5 i.e." --</p> <p>6 Q Does that say "females" or "families"?</p> <p>7 A Oh, I'm sorry. "Females."</p> <p>8 Q Would you please start again, and to the best</p> <p>9 of your ability, would you actually read the sentence</p> <p>10 accurately?</p> <p>11 A Okay.</p> <p>12 "Accordingly, the Ninth Circuit concluded</p> <p>13 discrimination again transgender females, i.e.," quote,</p> <p>14 "as anatomical males whose outward behavior and inward</p> <p>15 identity," brackets, "do," closed brackets, "not meet</p> <p>16 social definitions of masculinity," unquote, dash, "is</p> <p>17 actionable discrimination," quote, "because of sex,"</p> <p>18 unquote.</p> <p>19 Q So the EEOC has issued a decision which</p> <p>20 pre-dates the Nevada Equal Rights Commission which says</p> <p>21 that what the School District is doing to Brad Roberts</p> <p>22 is -- may be considered discrimination under federal</p> <p>23 law under Title VII; isn't that right?</p> <p>24 MR. YOUNG: I'll object. The document speaks</p> <p>25 for itself. And the legal ramifications of the</p>	<p>1 MR. YOUNG: Standing objection.</p> <p>2 THE WITNESS: Our position would be Goins.</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q Okay. We're done with that exhibit.</p> <p>5 In April of 2012, was Littler Mendelson one of</p> <p>6 the regular advisors to the Clark County School</p> <p>7 District legal department --</p> <p>8 MR. YOUNG: Standing objection.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q -- and one of your regular counsel?</p> <p>11 A Yes, they were one of our regular counsel,</p> <p>12 outside counsel.</p> <p>13 MS. ENGLAND: We'll have this marked as 34.</p> <p>14 (Exhibit 34 marked)</p> <p>15 BY MS. ENGLAND:</p> <p>16 Q In preparing for your deposition here today as</p> <p>17 the Clark County School District 30(b)(6) Designee on</p> <p>18 what actions the School District took in response to</p> <p>19 the Nevada Equal Rights Commission determination, first</p> <p>20 you told us that they did not take into account or</p> <p>21 implement the holding of the Macy versus Holder</p> <p>22 decision issued by the EEOC in April; isn't that</p> <p>23 correct?</p> <p>24 A No, I did not say that.</p> <p>25 Q And as a result of the Macy decision, the</p>
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<p>1 document are subject to argument.</p> <p>2 THE WITNESS: Yes, we don't agree that our</p> <p>3 restriction on Officer Roberts was unlawful</p> <p>4 discrimination.</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q And you don't agree that it was unlawful</p> <p>7 discrimination under Title VII?</p> <p>8 A Correct.</p> <p>9 Q And you base that on -- not on the Macy case</p> <p>10 that the EEOC has held out, and not on the Ninth</p> <p>11 Circuit decision in the Schwenk case, but rather based</p> <p>12 on the dismissal of a Title IX case and the Goins</p> <p>13 Minnesota case?</p> <p>14 A Based on all relevant legal authority.</p> <p>15 Q So which is more authoritative, the EEOC's</p> <p>16 Macy decision, or the Goins decision?</p> <p>17 A It would depend on the substance of the</p> <p>18 case --</p> <p>19 Q In this circumstance.</p> <p>20 A -- the rulings --</p> <p>21 Q In this circumstance, in this circumstance, in</p> <p>22 May of 2012, which is the more authoritative case, the</p> <p>23 Macy decision by the EEOC issued on April 20th, 2012,</p> <p>24 or the Goins decision issued by the Minnesota Supreme</p> <p>25 Court in 2011?</p>	<p>1 Clark County School District did not cease its ban on</p> <p>2 Brad Roberts which prohibited him from using male</p> <p>3 restroom facilities at Clark County School District,</p> <p>4 did it?</p> <p>5 MR. YOUNG: Standing objection.</p> <p>6 THE WITNESS: No, the Macy case did not change</p> <p>7 the District's position in regard to Officer Roberts.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q And even though the Macy decision by the EEOC</p> <p>10 was issued, it said, "Discrimination against</p> <p>11 transgender people is discrimination under Title VII,"</p> <p>12 the School District did not change its position insofar</p> <p>13 as Brad Roberts was concerned in May of 2012; isn't</p> <p>14 that correct?</p> <p>15 A The District did not change its position in</p> <p>16 regard to Officer Roberts as a result of Macy.</p> <p>17 Q The District in May of 2012, despite the Macy</p> <p>18 decision, continued its same position and practice</p> <p>19 against Brad Roberts for another five months, did they</p> <p>20 not?</p> <p>21 A Yes.</p> <p>22 Q And Littler Mendelson was one of the School</p> <p>23 District's contracted counsel to provide legal advice</p> <p>24 in defense of cases in April and May of 2012?</p> <p>25 A Yes.</p>

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<p>1 Q And do you know if anyone at the School</p> <p>2 District looked at Littler Mendelson's website in that</p> <p>3 time frame to gain any guidance about what the School</p> <p>4 District's reaction ought to be in light of the Macy</p> <p>5 decision by the EEOC?</p> <p>6 MR. YOUNG: Standing objection.</p> <p>7 THE WITNESS: I'm not aware if they have --</p> <p>8 they did or not.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q And have you ever seen this part of Littler</p> <p>11 Mendelson's website which gives employers advice in</p> <p>12 April of 2012 about what an employer ought to be doing</p> <p>13 in order to -- because of the issuance of the EEOC's</p> <p>14 decision in the Macy case?</p> <p>15 MR. YOUNG: Standing objection.</p> <p>16 THE WITNESS: Personally, I don't know if I</p> <p>17 ever looked at Littler Mendelson's website. I've seen</p> <p>18 their publications, and I've seen their guidance</p> <p>19 documents.</p> <p>20 BY MS. ENGLAND:</p> <p>21 Q And so in preparing yourself here today, did</p> <p>22 you find out whether Scott Greenberg, who was making</p> <p>23 these decisions on behalf of the School District, if he</p> <p>24 ever went and got outside guidance about the</p> <p>25 implications of the Macy decision?</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q And he did not tell you how the District's</p> <p>3 position could somehow in any way, shape, or form be</p> <p>4 squared with the Macy decision? He only cited to you</p> <p>5 case authority that supported the District's position?</p> <p>6 MR. YOUNG: Standing objection.</p> <p>7 BY MS. ENGLAND:</p> <p>8 Q Isn't that correct?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: No, I don't think he -- I don't</p> <p>11 recall him listing any specific case. But he did say</p> <p>12 that there's -- that in his review of legal authority</p> <p>13 out there, that, you know, that relevant legal</p> <p>14 authority supported the District's position.</p> <p>15 BY MS. ENGLAND:</p> <p>16 Q And the only relevant legal authority that he</p> <p>17 told you about was legal authority that concluded the</p> <p>18 same way the District, or supported the District's</p> <p>19 decision, that Brad Roberts would be banned from using</p> <p>20 male restroom facilities until he had sex change</p> <p>21 operations and provided proof to the department?</p> <p>22 A The only legal authority he specifically</p> <p>23 advised me of was the legal authority that he</p> <p>24 referenced in his letter to the Nevada Equal Rights</p> <p>25 Commission.</p>
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<p>1 A No.</p> <p>2 Q Did you ever ask Mr. Greenberg if he went and</p> <p>3 got guidance from someone other than the Goins decision</p> <p>4 and the Jane Doe Title IX decision?</p> <p>5 MR. YOUNG: Standing objection.</p> <p>6 THE WITNESS: No, I didn't ask him whether he</p> <p>7 had gone outside. He told me that it was his review of</p> <p>8 the legal authority that was the basis for the</p> <p>9 District's position.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q And the only legal authority he told you about</p> <p>12 was the Title IX decision in the Jane Doe versus School</p> <p>13 District case and the Goins decision? He didn't tell</p> <p>14 you about the Macy decision; he didn't tell you about</p> <p>15 the Littler decision; he didn't tell you about the</p> <p>16 Schwenk Ninth Circuit decision; did he?</p> <p>17 MR. YOUNG: Objection. Argumentative.</p> <p>18 Standing objection.</p> <p>19 THE WITNESS: Yeah -- no -- he didn't -- he</p> <p>20 didn't cite cases that did not support our position.</p> <p>21 He advised me that he was aware of the legal authority</p> <p>22 that was relevant to the issue, and that the District's</p> <p>23 position was that the prohibition imposed upon Officer</p> <p>24 Roberts in regard to bathroom use was not unlawful</p> <p>25 discrimination.</p>	<p>1 Q And that's the Goins and the Title IX case?</p> <p>2 A And the OSHA regulations, and the cases</p> <p>3 indicating that Nevada has adopted those regulations.</p> <p>4 Q And it does not include the Macy decision?</p> <p>5 Does not include the Schwenk decision?</p> <p>6 MR. YOUNG: Argumentative. Asked and</p> <p>7 answered.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q No, it does not; isn't that correct?</p> <p>11 A Yeah, I told you that he did not advise me of</p> <p>12 any specific case that did --</p> <p>13 Q Went the other way?</p> <p>14 A -- that did not support the School District's</p> <p>15 position. He told me he was -- he had reviewed the</p> <p>16 relevant case law. So he had reviewed all relevant</p> <p>17 case law.</p> <p>18 Q Did he review the Macy decision?</p> <p>19 A I didn't ask him specifically whether he did</p> <p>20 or not.</p> <p>21 Q You said he reviewed all relevant case law.</p> <p>22 Did he review the Macy decision --</p> <p>23 A I don't know.</p> <p>24 Q -- that came out in April of 2012?</p> <p>25 A I don't know.</p>

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<p>1 MR. YOUNG: Standing objection.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Fair enough.</p> <p>4 Would you look at the second page of</p> <p>5 Exhibit 34?</p> <p>6 In April 2012, as a result of the Macy</p> <p>7 decision, Littler Mendelson, Clark County School</p> <p>8 District's Defense Counsel, provided this sort of</p> <p>9 information on its website that is printed here today.</p> <p>10 So I'll ask you to read the paragraph that starts with</p> <p>11 "because." It's about mid-page.</p> <p>12 A I don't see a paragraph that starts with</p> <p>13 "because." Second page, you asked me to look at?</p> <p>14 Q I did. It's right below the last dotted</p> <p>15 bullet. Look at the last bullet that says, quote --</p> <p>16 A You're on the third page.</p> <p>17 Q Oh, sorry. Okay. Third page. You see the</p> <p>18 bullets?</p> <p>19 A I do.</p> <p>20 Q Would you read -- this says that, "As a</p> <p>21 result, both public and private employers should review</p> <p>22 and consider revising their policies and practices to</p> <p>23 confirm to the EEOC's decision in Macy. The policies</p> <p>24 and procedures that should be reviewed include, but are</p> <p>25 not limited to" -- the first bullet is,</p>	<p>1 consideration all of the relevant factors and issues</p> <p>2 involved in gender identity and AB 211's inclusion of</p> <p>3 that status as a protected status or class, and revised</p> <p>4 its policy and regulation accordingly.</p> <p>5 Q And then would you read the sentence that</p> <p>6 begins with "because"?</p> <p>7 A "Because not all transgender people elect to</p> <p>8 have sex-reassignment surgery, employers should apply</p> <p>9 their policies and procedures equally to all</p> <p>10 transgender employees, regardless of surgical status."</p> <p>11 Q And at that point in time, in April and May of</p> <p>12 2012, Clark County School District was still</p> <p>13 prohibiting Brad Roberts from using male restroom</p> <p>14 facilities at Clark County School District facilities,</p> <p>15 weren't they?</p> <p>16 MR. YOUNG: Standing objection.</p> <p>17 Argumentative.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. ENGLAND:</p> <p>20 Q And if, as you instructed him, in November of</p> <p>21 2011, if Brad Roberts had provided the School District</p> <p>22 with medical documentation that he had had sex change</p> <p>23 operation, he would have then been permitted to use</p> <p>24 male restroom facilities at School District properties?</p> <p>25 MR. YOUNG: Standing objection.</p>
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<p>1 "Non-discrimination, harassment, and EEO policies." Do</p> <p>2 you see that?</p> <p>3 A Yes.</p> <p>4 Q And then the last bullet that Littler</p> <p>5 Mendelson is telling the public, and especially</p> <p>6 employers that they should be looking at is what?</p> <p>7 A The last bullet says, "Policies governing the</p> <p>8 use of restrooms, locker rooms, and other</p> <p>9 gender-specific facilities."</p> <p>10 Q And as of April and May of 2012, Clark County</p> <p>11 School District has not done it; isn't that correct?</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 THE WITNESS: No, I -- we reviewed the policy</p> <p>14 and regulation relating to -- we reviewed Policy 4110</p> <p>15 and Regulation 4110 and actually revised them.</p> <p>16 BY MS. ENGLAND:</p> <p>17 Q That has nothing to do with restrooms, locker</p> <p>18 rooms, or gender-specific facilities, does it?</p> <p>19 MR. YOUNG: That wasn't what you limited your</p> <p>20 question to, Kathy. You talked about</p> <p>21 non-discrimination, harassment, and EEOC policies</p> <p>22 first.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q I'm talking about the last bulleted point.</p> <p>25 A No, I -- we -- the District took into</p>	<p>1 THE WITNESS: Yes.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q And because he had failed to do so, he was not</p> <p>4 permitted to use male restroom facilities at Clark</p> <p>5 County School District facilities?</p> <p>6 A Yes.</p> <p>7 Q And he was forced to use restroom facilities</p> <p>8 that were outside the District property?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q Well, I guess his alternative was to never</p> <p>13 urinate or defecate all day long during his eight-hour</p> <p>14 shift?</p> <p>15 MR. YOUNG: Standing objection.</p> <p>16 BY MS. ENGLAND:</p> <p>17 Q So he could either choose not to engage in</p> <p>18 those bodily functions throughout his shift, or he was</p> <p>19 forced to use facilities outside the District property;</p> <p>20 isn't that correct?</p> <p>21 MR. YOUNG: Standing objection.</p> <p>22 Argumentative. Mischaracterizes facts in evidence.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: No.</p> <p>25 /////</p>

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<p>1 BY MS. ENGLAND:</p> <p>2 Q And this guidance or instruction to employers</p> <p>3 from Littler Mendelson, the School District's Defense</p> <p>4 Counsel, is directly contradictory to what practice the</p> <p>5 School District was then imposing on Brad Roberts, that</p> <p>6 is, they were treating him differently because he had</p> <p>7 not had sex reassignment surgery or would refuse to</p> <p>8 disclose it?</p> <p>9 MR. YOUNG: Standing objection.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q Isn't that correct?</p> <p>12 A No. I don't agree.</p> <p>13 Q So you knew that Brad Roberts had not</p> <p>14 disclosed whether or not he had had sex reassignment</p> <p>15 surgery and, therefore, he was not permitted to use</p> <p>16 male restrooms; right?</p> <p>17 A Yes.</p> <p>18 Q We're done with that. Go to Exhibit --</p> <p>19 MR. YOUNG: It's approximately noon. Were you</p> <p>20 planning on breaking for lunch?</p> <p>21 MS. ENGLAND: Yes, at 12:30.</p> <p>22 MR. YOUNG: Okay. Thank you for letting me</p> <p>23 know.</p> <p>24 MS. ENGLAND: Oh, sorry.</p> <p>25 Here's 35.</p>	<p>1 District's position in June of 2012 --</p> <p>2 MR. YOUNG: July?</p> <p>3 MS. ENGLAND: No. Excuse me. I'll start the</p> <p>4 question again.</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q Is it your understanding that the District's</p> <p>7 position in June of 2012 was that Brad Roberts was</p> <p>8 supposed to be using the women's restroom, which is</p> <p>9 what the District understood was the gender that</p> <p>10 matched his anatomical gender?</p> <p>11 A No.</p> <p>12 Q But the ban, that is the School District's</p> <p>13 practice that banned Brad Roberts from using men's room</p> <p>14 facilities at Clark County School District was still in</p> <p>15 effect in June of 2012?</p> <p>16 A Yes.</p> <p>17 Q And was it your understanding that the School</p> <p>18 District came to the conciliation and said that was</p> <p>19 their position, they weren't going to change it, and</p> <p>20 they weren't going to lift the ban?</p> <p>21 A Yes.</p> <p>22 Q And so he was not allowed to use the women's</p> <p>23 room because he looks like a man; right?</p> <p>24 A He was not going to be required to use the</p> <p>25 women's restroom.</p>
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<p>1 (Exhibit 35 marked).</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Exhibit 35, which is a July 16, 2012, letter</p> <p>4 from the Nevada Equal Rights Commission Administrator</p> <p>5 to Mr. Greenberg, is this one of the documents that you</p> <p>6 reviewed to prepare to be the 30(b)(6) Designee today?</p> <p>7 A Yes.</p> <p>8 Q And in this letter, Ms. Chinchilla, the</p> <p>9 administrator, confirms that, to Mr. Greenberg, that,</p> <p>10 "As you know, we held a conciliation on June 19, 2012,</p> <p>11 in the above-referenced case which was unsuccessful."</p> <p>12 Is that what you understand the state of</p> <p>13 events was as of June 2012, from the School District's</p> <p>14 perspective?</p> <p>15 MR. YOUNG: July, you mean?</p> <p>16 BY MS. ENGLAND:</p> <p>17 Q Excuse me.</p> <p>18 A Yes.</p> <p>19 Q What was the position which was articulated at</p> <p>20 the conciliation on June 19, 2012, by the District, and</p> <p>21 by whom was it espoused?</p> <p>22 A That it was not unlawful discrimination to</p> <p>23 require Brad, Officer Roberts, to use the restroom of</p> <p>24 the gender that he matched anatomically.</p> <p>25 Q And so are you saying that it was the</p>	<p>1 Q So he was free -- looking as an adult male, he</p> <p>2 was free to go into the women's restrooms at Clark</p> <p>3 County School District facilities? Are you saying</p> <p>4 that?</p> <p>5 A Sure.</p> <p>6 Q What could go wrong?</p> <p>7 A I don't understand.</p> <p>8 MR. YOUNG: Objection. Calls for speculation.</p> <p>9 Also, standing objection. Outside the scope.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q Did the School District take into account what</p> <p>12 might go wrong if Brad Roberts, who looks like a male,</p> <p>13 uses women's restroom facilities?</p> <p>14 MR. YOUNG: Standing objection.</p> <p>15 BY MS. ENGLAND:</p> <p>16 Q And if so, who took it into account, and what</p> <p>17 did they conclude?</p> <p>18 MR. YOUNG: Standing objection.</p> <p>19 THE WITNESS: Yes, I believe we took into --</p> <p>20 well, first of all, the School District's instructions</p> <p>21 to Officer Roberts was that he would not be required to</p> <p>22 use the female-identified restroom. We were fully</p> <p>23 aware that if, with his male appearance, if he used</p> <p>24 that, there could be some concerns by other occupants</p> <p>25 of the restroom that a male was using the</p>

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<p>1 female-identified restroom. And then we would have to</p> <p>2 explain or deal with those people as to that, you know,</p> <p>3 that individual is not doing anything wrong or</p> <p>4 inappropriate by doing that.</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q So in June of 2012 at the conciliation</p> <p>7 meeting, the School District did not change in any way,</p> <p>8 shape, or form its practice and the ban on Brad Roberts</p> <p>9 that was then in existence?</p> <p>10 A No.</p> <p>11 Q That's "no," they didn't change?</p> <p>12 A No, they did not change.</p> <p>13 Q So whatever the ban was, as confusing as</p> <p>14 apparently now it is, whatever the ban was, it was to</p> <p>15 continue?</p> <p>16 A Yeah, I don't agree that it was necessarily</p> <p>17 confusing, but, yes, what the District's position as</p> <p>18 communicated to Officer Roberts back in November of</p> <p>19 2011 --</p> <p>20 Q By you?</p> <p>21 A -- yes, continued through June of 2012.</p> <p>22 Q And this is despite now the Macy decision and</p> <p>23 the finding by the Nevada Equal Rights Commission that</p> <p>24 it was illegal under Nevada law as well?</p> <p>25 MR. YOUNG: Objection. Argumentative. And</p>	<p>1 issued its determination back in May of 2012, did the</p> <p>2 District announce that determination, and that it had</p> <p>3 been found to believe -- that the Nevada Equal Rights</p> <p>4 Commission believed it was committing illegal</p> <p>5 discrimination?</p> <p>6 A Announce to who?</p> <p>7 Q The School District --</p> <p>8 A No.</p> <p>9 Q -- employees?</p> <p>10 A No.</p> <p>11 Q Did someone make a decision that the people</p> <p>12 involved -- such as yourself, Captain York, Lieutenant</p> <p>13 Young, Chief Ketsaa -- that they would not be told that</p> <p>14 the policy and the practice that they were enforcing</p> <p>15 against Brad Roberts had been found to be illegal by</p> <p>16 the Nevada Equal Rights Commission?</p> <p>17 MR. YOUNG: Standing objection.</p> <p>18 Mischaracterizes the nature of the determination. You</p> <p>19 can answer.</p> <p>20 THE WITNESS: There was no decision not to</p> <p>21 inform somebody.</p> <p>22 BY MS. ENGLAND:</p> <p>23 Q Did you discuss this with Mr. Greenberg to be</p> <p>24 prepared to speak here today?</p> <p>25 MR. YOUNG: Standing objection.</p>
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<p>1 standing objection.</p> <p>2 THE WITNESS: I don't agree that those --</p> <p>3 that's what those cases say, but -- or that's what</p> <p>4 those authorities say, but, yes, despite the Macy</p> <p>5 decision and the Nevada Equal Rights determination, the</p> <p>6 District's position remained the same.</p> <p>7 Q Okay. We're done with that. We'll have</p> <p>8 Exhibit 37.</p> <p>9 (Exhibit 37 marked).</p> <p>10 MS. ENGLAND: Please put in the record that 36</p> <p>11 is blank. That way it's accounted for.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q Mr. Okazaki, when did you first see the notice</p> <p>14 by the Nevada Equal Rights Commission to the Clark</p> <p>15 County School District in which the NERC notified the</p> <p>16 District that it was going to conduct a public hearing</p> <p>17 on the discrimination which the Nevada Equal Rights</p> <p>18 Commission believed the School District was committing</p> <p>19 against Officer Roberts?</p> <p>20 A In the same meeting with Scott Greenberg and</p> <p>21 legal counsel a few days before the last deposition.</p> <p>22 Q So you did not see this notice until June of</p> <p>23 2016?</p> <p>24 A Correct.</p> <p>25 Q Now, when the Nevada Equal Rights Commission</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q Are you just espousing this?</p> <p>3 A I am aware that we did not -- the Clark County</p> <p>4 School District did not announce to anybody that --</p> <p>5 announce the NERC determination --</p> <p>6 Q I already asked you that question, and you</p> <p>7 already said --</p> <p>8 A Let me finish. Let me finish.</p> <p>9 MS. ENGLAND: No --</p> <p>10 MR. YOUNG: Go ahead and finish.</p> <p>11 MS. ENGLAND: No, Mr. Okazaki. You need to --</p> <p>12 MR. YOUNG: Go ahead and speak over her.</p> <p>13 THE WITNESS: Yes, I need to answer the</p> <p>14 question.</p> <p>15 BY MS. ENGLAND:</p> <p>16 Q Mr. Okazaki --</p> <p>17 A Your question was --</p> <p>18 Q -- my question was: Who made the decision,</p> <p>19 not --</p> <p>20 A So my answer was not that there was no</p> <p>21 decision to not announce NERC's determination. I'm</p> <p>22 aware that there was no announcement of the</p> <p>23 determination. And so what I'm saying is that the</p> <p>24 people involved -- Scott Greenberg, Tom Rodriguez, the</p> <p>25 superintendent -- who made the decision on how to</p>

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<p>1 respond to the determination did not make an</p> <p>2 announcement, or did not make a decision to announce.</p> <p>3 I don't think there was a decision to not announce. A</p> <p>4 decision either way was not made.</p> <p>5 Q And who made the decision to not make a</p> <p>6 decision?</p> <p>7 A Scott Greenberg, Tom Rodriguez -- and</p> <p>8 actually, I don't know if the superintendent was -- did</p> <p>9 not -- there's no -- the superintendent was not</p> <p>10 involved in any decision or non-decision to announce</p> <p>11 NERC's determination to anybody.</p> <p>12 Q Okay. So tell us about your conversation in</p> <p>13 the last two weeks when you first found out that there</p> <p>14 was a Nevada Equal Rights Commission determination, and</p> <p>15 you were preparing yourself to come here today as the</p> <p>16 30(b)(6) Designee, tell us what Scott Greenberg told</p> <p>17 you about the decision to not announce that the Nevada</p> <p>18 Equal Rights Commission had found against the School</p> <p>19 District and that its practice, its ban on Brad Roberts</p> <p>20 was illegal.</p> <p>21 MR. YOUNG: Standing objection. Also object</p> <p>22 that the question mischaracterizes the effect and</p> <p>23 nature of the determination. You can answer.</p> <p>24 THE WITNESS: I did not say that there was a</p> <p>25 decision not to announce. I specifically said that no</p>	<p>1 with the term "legal documentation." I believe he was</p> <p>2 told that unless he provides evidence that he had</p> <p>3 changed his biology, he would not be allowed to use the</p> <p>4 male restroom.</p> <p>5 Q And then the Nevada Equal Rights Commission</p> <p>6 goes on to base its Notice of Administrative Hearing of</p> <p>7 the practices that it considers illegal to say -- and I</p> <p>8 quote -- "A second meeting was held on November 22,</p> <p>9 2011, during which CCSD" -- you need to stay on the</p> <p>10 first page because that's where I am -- "during which</p> <p>11 CCSD rejected Roberts' request to use the male restroom</p> <p>12 because he was still biologically female and told him</p> <p>13 that he could not use the male restroom until he had a</p> <p>14 genital," open paren, "sex change," end paren,</p> <p>15 "procedure."</p> <p>16 That is an accurate statement of the CCSD's</p> <p>17 position?</p> <p>18 A Yes.</p> <p>19 Q And that was the position which you</p> <p>20 articulated to Brad Roberts on November 22nd?</p> <p>21 A Yes.</p> <p>22 Q And that was the position of the department</p> <p>23 unchanged in June of 2012?</p> <p>24 A Yes.</p> <p>25 Q And it was the position as well unchanged in</p>
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<p>1 decision was made one way or the other.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q My question was: Tell us what Mr. Greenberg</p> <p>4 told you that allows you to come here today and testify</p> <p>5 to what you just said as the 30(b)(6) Designee.</p> <p>6 A Because I asked him, "What did the District do</p> <p>7 in response to the determination?" And he said, "The</p> <p>8 only thing that we did was write the responsive</p> <p>9 letter."</p> <p>10 Q Okay. So now turning to Exhibit 37, do you</p> <p>11 have that in front of you?</p> <p>12 A I do.</p> <p>13 Q You said the first time you saw this was two</p> <p>14 weeks ago in preparing for your deposition?</p> <p>15 A Yes.</p> <p>16 Q And this says, "Statement of matters</p> <p>17 asserted," is that -- I'll go down to line 24 -- "At</p> <p>18 the November 14, 2011, meeting, Roberts was told that</p> <p>19 he could not use the male restroom until he provided</p> <p>20 legal documentation that he changed his gender from</p> <p>21 female to male."</p> <p>22 That is an accurate statement of what the</p> <p>23 School District told the Nevada Equal Rights Commission</p> <p>24 what the ban was comprised of; isn't that correct?</p> <p>25 A I don't know if it -- I don't -- I can't agree</p>	<p>1 September of 2012 when this notice was issued?</p> <p>2 A Yes.</p> <p>3 Q And were you -- then it goes on to say, on the</p> <p>4 second page:</p> <p>5 "After an investigation, the Commission's</p> <p>6 administrator issued a determination on May 3, 2012,</p> <p>7 that probable cause supported the change of</p> <p>8 discrimination based on gender identity or expression.</p> <p>9 CCSD's policy" -- you're saying it wasn't a policy, it</p> <p>10 was just a position, right?</p> <p>11 A Correct.</p> <p>12 Q -- "requiring Roberts to prove his conformity</p> <p>13 with CCSD's expectation regarding the male anatomy in</p> <p>14 order to use the men's bathrooms violated Nevada's</p> <p>15 anti-discrimination law."</p> <p>16 Do you see that?</p> <p>17 A I do.</p> <p>18 Q And the School District didn't agree with</p> <p>19 that?</p> <p>20 A Correct.</p> <p>21 Q And now it is here four months later</p> <p>22 continuing to do what the NERC has said the illegal</p> <p>23 under Nevada law; right?</p> <p>24 A Yes.</p> <p>25 MR. YOUNG: Objection. Argumentative.</p>

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<p>1 BY MS. ENGLAND:</p> <p>2 Q And additionally, it is doing what the EEOC</p> <p>3 has declared is illegal under federal law?</p> <p>4 A No.</p> <p>5 Q And CCSD's position was that if Roberts showed</p> <p>6 that he had a penis, then he would be allowed to use</p> <p>7 the men's restroom?</p> <p>8 MR. YOUNG: Objection. Mischaracterizes the</p> <p>9 facts in evidence. You can answer. It's</p> <p>10 argumentative, also.</p> <p>11 THE WITNESS: I'm not -- yeah, I -- we never</p> <p>12 used the word "penis," and I'm only saying that because</p> <p>13 I'm not sure what constitutes male anatomy. And so we</p> <p>14 would just rely on whatever documentation from a</p> <p>15 medical provider, you know, the medical documentation</p> <p>16 indicating that they were anatomically male. That's</p> <p>17 all we would have required. That's all we needed.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q Nonetheless, in September of 2012, the School</p> <p>20 District's position at odds with declared federal law</p> <p>21 by the EEOC, and declared Nevada law declared by the</p> <p>22 Nevada Equal Rights Commission, was that Brad Roberts</p> <p>23 had to show having male anatomy in order to use the</p> <p>24 men's room at the School District facilities?</p> <p>25 MR. YOUNG: Standing objection.</p>	<p>1 MS. ENGLAND: What time is it?</p> <p>2 THE REPORTER: 1:10.</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q Mr. Okazaki, you recognize and accept that</p> <p>5 you're still under the oath that you took at the</p> <p>6 beginning of today?</p> <p>7 A Yes.</p> <p>8 Q Great.</p> <p>9 We'll now move on to Subject No. 6, which is:</p> <p>10 "CCSD's decision to change the</p> <p>11 October-November 2011 restroom policy announced and</p> <p>12 imposed on Plaintiff, and the reason for the policy</p> <p>13 change, the participation of all persons involved in</p> <p>14 the decision to change the policy, the wording,</p> <p>15 content, complication, dissemination, implementation,</p> <p>16 and enforcement of the policy, and the decision of how</p> <p>17 and when to communicate the new policy to Plaintiff and</p> <p>18 why."</p> <p>19 Are you prepared to be the CCSD Designee on</p> <p>20 that subject?</p> <p>21 A Yes.</p> <p>22 Q You were not personally involved in those</p> <p>23 matters back in the 2011 time frame, were you?</p> <p>24 A No.</p> <p>25 Q In fact, it was Mr. Greenberg, was it not,</p>
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<p>1 Argumentative. You can answer.</p> <p>2 THE WITNESS: Yeah, without agreeing to the</p> <p>3 preface of that that it's in contrary to EEOC law, it's</p> <p>4 definitely contrary to NERC's determination, yes,</p> <p>5 CCSD's position was that Officer Roberts was not going</p> <p>6 to be allowed to use the male restroom until his</p> <p>7 anatomy matched that gender.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q And what do you know about Officer Roberts'</p> <p>10 anatomy today?</p> <p>11 MR. YOUNG: Objection. Standing objection.</p> <p>12 THE WITNESS: I do not know that -- I do not</p> <p>13 know that his gender, his anatomy has changed.</p> <p>14 BY MS. ENGLAND:</p> <p>15 Q And he's allowed to use the men's restroom, is</p> <p>16 he not?</p> <p>17 A Yes.</p> <p>18 Q And he's been allowed to use the men's</p> <p>19 restroom for over three years?</p> <p>20 A Approximately, yes.</p> <p>21 MS. ENGLAND: I think this would be a good</p> <p>22 time to take a quick lunch break. Then we'll go on to</p> <p>23 No. 6.</p> <p>24 (Lunch recess taken from 12:15 to 1:10 p.m.)</p> <p>25 \\</p>	<p>1 who, on behalf of the Clark County School District</p> <p>2 in-house legal counsel who was involved in those</p> <p>3 matters from your office?</p> <p>4 A Yes.</p> <p>5 Q And you have indicated that the policy that's</p> <p>6 referred to here is not actually a policy, it was a</p> <p>7 position?</p> <p>8 A Correct.</p> <p>9 Q You used the term "policy" as a term of art in</p> <p>10 the School District lingo, which is, a policy is</p> <p>11 something which is passed by the School Board and</p> <p>12 issued as a, quote, unquote, policy?</p> <p>13 A Yes.</p> <p>14 Q But in preparing yourself today, you</p> <p>15 understood that that term was used in its more</p> <p>16 layperson's sense, which was the policy that you're</p> <p>17 here prepared to testify about, or which is the subject</p> <p>18 matter of No. 6 is the policy which banned Officer Brad</p> <p>19 Roberts from using, and only Brad Roberts, from using</p> <p>20 male restroom facilities at Clark County School</p> <p>21 District facilities for the year October 2011 to</p> <p>22 October 2012?</p> <p>23 A Yes.</p> <p>24 Q And so we should call it the District's</p> <p>25 position, as you've articulated it; right?</p>

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<p>1 A Yes.</p> <p>2 Q So who made the decision to change the</p> <p>3 District's position which banned Officer Brad Roberts,</p> <p>4 and had banned Officer Roberts from using male restroom</p> <p>5 facilities at Clark County School District from October</p> <p>6 2011 until the ban was lifted in October 2012?</p> <p>7 A The people involved in that decision was Scott</p> <p>8 Greenberg, Carlos McDade, who was the general counsel,</p> <p>9 and I believe -- I'm trying to think -- so</p> <p>10 Superintendent of Instruction, which I think -- I</p> <p>11 believe it was Dr. Barton.</p> <p>12 Q Doctor whom?</p> <p>13 A Barton.</p> <p>14 Q He or she was the associate superintendent for</p> <p>15 what?</p> <p>16 A For the Instruction Unit.</p> <p>17 Q Who initiated the idea that the District's</p> <p>18 position, which was the year-long prohibition for Brad</p> <p>19 Roberts from using any male restroom facilities, who</p> <p>20 initiated or started the possibility that it was going</p> <p>21 to be changed?</p> <p>22 A Scott Greenberg.</p> <p>23 Q When did Mr. Greenberg do that?</p> <p>24 A After receipt of the notice of public hearing</p> <p>25 from the Nevada Equal Rights Commission.</p>	<p>1 Q Did you ask him in order to be prepared here</p> <p>2 today to testify about Subject No. 6?</p> <p>3 A No.</p> <p>4 Q Did you and Mr. Greenberg discuss this notice</p> <p>5 within the last two weeks as you were preparing to be</p> <p>6 the Subject No. 6 Designee?</p> <p>7 A Yes.</p> <p>8 Q Did you have it in front of you?</p> <p>9 A Yes.</p> <p>10 Q So did you ask Mr. Greenberg, "So if they</p> <p>11 mailed it, Scott, when did you get it, and when did you</p> <p>12 start formulating the idea that the District needed to</p> <p>13 change its position?"</p> <p>14 A No.</p> <p>15 Q Was the District -- did the District hope to</p> <p>16 avoid a public hearing by changing its policy?</p> <p>17 A Yes.</p> <p>18 Q And did you and Mr. Greenberg discuss how</p> <p>19 unusual it was that the Nevada Equal Rights Commission</p> <p>20 was, in fact, even holding a public hearing?</p> <p>21 A Yes, yes. It was -- we considered it to be</p> <p>22 unusual. We considered it to be inappropriate. We</p> <p>23 filed a motion to dismiss, and communicated with the</p> <p>24 Attorney General's Office. But, yes, so we thought it</p> <p>25 was an unusual step.</p>
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<p>1 Q Did you discuss this with Mr. Greenberg</p> <p>2 recently to prepare yourself to come here today and</p> <p>3 speak on No. 6?</p> <p>4 A Yes.</p> <p>5 Q What did Mr. Greenberg tell you when it was</p> <p>6 that he decided that the policy should be -- the</p> <p>7 position should be changed?</p> <p>8 A That upon receipt of the notice of public</p> <p>9 hearing, and filing the motion to dismiss, and getting</p> <p>10 the response, that they were not going to consider the</p> <p>11 motion, and that it was going to be forward with a</p> <p>12 public hearing, that was the -- that was what triggered</p> <p>13 the ultimate decision to change the position.</p> <p>14 Q Well, if you look back at Exhibit 37, which I</p> <p>15 believe might be on the very top --</p> <p>16 A Okay.</p> <p>17 Q The Deputy Attorney General who mailed this</p> <p>18 out indicated that it was mailed on September 6th,</p> <p>19 2012. Do you see that --</p> <p>20 A I do.</p> <p>21 Q -- on the last page, EEOC 012?</p> <p>22 A Yes.</p> <p>23 Q When did Mr. Greenberg receive this since it</p> <p>24 is addressed to him?</p> <p>25 A I did not have the specific date.</p>	<p>1 Q The way that this is styled, it is the Nevada</p> <p>2 Equal Rights Commission versus -- it's the</p> <p>3 Administrator versus the School District. It's not the</p> <p>4 charging party, is it?</p> <p>5 A Correct.</p> <p>6 Q So this is the Nevada Equal Rights Commission</p> <p>7 bringing Clark County School District to task for what</p> <p>8 the Nevada Equal Rights Commission considers an illegal</p> <p>9 position as it is being enforced against Brad Roberts?</p> <p>10 MR. YOUNG: I'll object. Lack of foundation</p> <p>11 to the extent it calls for speculation as to what that</p> <p>12 document means.</p> <p>13 THE WITNESS: Yes, I believe this stems from</p> <p>14 the Nevada Equal Rights determination that the</p> <p>15 District's restrictions on Officer Roberts constituted</p> <p>16 unlawful discrimination, and then Clark County School</p> <p>17 District's position that it was going to stay with its</p> <p>18 position. And so they were going to -- but my</p> <p>19 understanding of the public hearing was that they were</p> <p>20 going to go to a public hearing to decide whether it</p> <p>21 should -- the underlying case and concerns should go to</p> <p>22 the public hearing, or should it go to a Hearing</p> <p>23 Officer. But, yes, it was all based on the idea that</p> <p>24 the Nevada Equal Rights Commission believed that the</p> <p>25 restriction reimposed on Officer Roberts was unlawful</p>

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<p>1 discrimination.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q The distinction you've made about whether this</p> <p>4 would go before the Commissioner or a Hearing Officer,</p> <p>5 that was already decided by the Nevada Equal Rights</p> <p>6 Commission on July 31st, 2012, when the Commission</p> <p>7 itself voted to conduct a public hearing about what it</p> <p>8 considered to be the illegal discrimination being</p> <p>9 committed, then being committed by the Clark County</p> <p>10 School District. Did Mr. Greenberg tell you he</p> <p>11 attended that meeting and heard the decision of the</p> <p>12 Commission to not go to a Hearing Officer, but that</p> <p>13 this would be held before the Nevada Equal Rights</p> <p>14 Commission?</p> <p>15 A Yes.</p> <p>16 Q Did Mr. Greenberg tell you that this is a</p> <p>17 matter of -- was a matter of great import to the Nevada</p> <p>18 Equal Rights Commission, which was demonstrated by the</p> <p>19 fact that they're not sending us to a Hearing Officer,</p> <p>20 they're going the fifth largest school district in the</p> <p>21 country to a public hearing because the Commission</p> <p>22 claims that the school district is, in fact, still</p> <p>23 committing illegal discrimination? Did you and</p> <p>24 Mr. Greenberg discuss that recognition?</p> <p>25 MR. YOUNG: Objection to the question to the</p>	<p>1 THE WITNESS: I did not look at the minutes.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Did you not believe that that was appropriate</p> <p>4 and necessary for you to come here today and testify as</p> <p>5 the 30(b)(6) Designee?</p> <p>6 A No.</p> <p>7 Q Not important to you as -- is it as</p> <p>8 unimportant to you to make that preparation as it was</p> <p>9 for the Clark County School District?</p> <p>10 MR. YOUNG: Objection. Argumentative.</p> <p>11 THE WITNESS: I don't understand the question.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q What did Mr. Greenberg convey to you about the</p> <p>14 likelihood that the Nevada Equal Rights Commission was</p> <p>15 going to vote and find again that the Clark County</p> <p>16 School District was committing illegal discrimination?</p> <p>17 MR. YOUNG: Objection to the question as to</p> <p>18 the use of the term "again."</p> <p>19 THE WITNESS: I don't think the District had</p> <p>20 any doubt that the Nevada Equal Rights Commission would</p> <p>21 maintain its position on the issue. We talked about</p> <p>22 the fact that they were going to go to a public</p> <p>23 hearing. So that's the information that I'm bringing</p> <p>24 on behalf of the District, that we understood they were</p> <p>25 going to go to a public hearing, we understood that</p>
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<p>1 extent that it's compound; and, number two, that it</p> <p>2 requires speculation on the witness' behalf as to what</p> <p>3 the Nevada Equal Rights Commission was thinking.</p> <p>4 If you can answer that question, go ahead.</p> <p>5 THE WITNESS: No.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q Well, in your previous answer, you said</p> <p>8 something about a Hearing Officer versus the</p> <p>9 Commission. Who gave you that information?</p> <p>10 A It's in the notice.</p> <p>11 Q And did you and Mr. Greenberg discuss the fact</p> <p>12 that this issue was so important to the Nevada Equal</p> <p>13 Rights Commission as demonstrated by the meeting</p> <p>14 Mr. Greenberg attended, that the Commission itself</p> <p>15 voted to conduct a hearing?</p> <p>16 A We did not discuss your assertion that it was</p> <p>17 so important to the Nevada Equal Rights Commission.</p> <p>18 Q Did you look at the minutes of the meeting on</p> <p>19 July 31st of the Nevada Equal Rights Commission --</p> <p>20 A No.</p> <p>21 Q -- so that you could see what the Nevada Equal</p> <p>22 Rights Commission said about why they were proceeding</p> <p>23 against the fifth largest school district in the</p> <p>24 country for illegal discrimination?</p> <p>25 MR. YOUNG: Standing objection.</p>	<p>1 there would be no reason for them to change their</p> <p>2 position on the issue.</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q When you say that the School District</p> <p>5 understood that there was no reason for the Commission</p> <p>6 to change its position, does that mean that the School</p> <p>7 District had no evidence to present at the upcoming</p> <p>8 public hearing which would show or sway the Commission</p> <p>9 that they weren't committing illegal discrimination?</p> <p>10 A No.</p> <p>11 Q What evidence did you find out from</p> <p>12 Mr. Greenberg in preparing you to come here today --</p> <p>13 what evidence was the School District going to present</p> <p>14 at this commission which would show that they were not</p> <p>15 committing illegal discrimination under Nevada law?</p> <p>16 A We never came to a conclusion or a decision as</p> <p>17 to what evidence or arguments we would present at the</p> <p>18 Nevada Equal Rights Commission public hearing.</p> <p>19 Q Well, in July and September, what evidence did</p> <p>20 the School District have that it intended to present at</p> <p>21 the Nevada Equal Rights Commission hearing that would</p> <p>22 show that they were not discriminating against Brad</p> <p>23 Roberts?</p> <p>24 MR. YOUNG: Asked and answered.</p> <p>25 THE WITNESS: We did not come to a decision as</p>

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1 to what would be presented at that hearing.
 2 BY MS. ENGLAND:
 3 Q I didn't ask you if you came to a decision
 4 about what would be presented. I said, what evidence
 5 did the School District have, not what --
 6 MR. YOUNG: You said what evidence does the
 7 School District have that it intended to present at the
 8 hearing, is the question that you asked? And he had
 9 already answered that question.
 10 MS. ENGLAND: So, fine.
 11 BY MS. ENGLAND:
 12 Q In August of 2012, what evidence did the
 13 School District have --
 14 MR. YOUNG: Standing objection.
 15 BY MS. ENGLAND:
 16 Q -- that it was not committing illegal Nevada
 17 discrimination?
 18 MR. YOUNG: Standing objection. Asked and
 19 answered.
 20 THE WITNESS: The legal authority that we had
 21 always presented.
 22 BY MS. ENGLAND:
 23 Q Mr. Okazaki, you're a lawyer; right?
 24 A Yes.
 25 Q You know the difference between evidence and

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1 authority?
 2 A Sure.
 3 Q So what evidence, what tangible evidence did
 4 the School District have in August of 2012, not what
 5 legal authority, but what evidence as perhaps suggested
 6 by that legal authority?
 7 MR. YOUNG: Standing objection.
 8 THE WITNESS: Evidence of what was stated to
 9 Officer Roberts what the position was, what was
 10 communicated to him. I think those would be the
 11 relevant facts relating to the issue.
 12 BY MS. ENGLAND:
 13 Q My question was: What evidence?
 14 A Yeah, those are all evidence -- we would have
 15 evidence of what was said in the meeting of November
 16 22nd, what was communicated to him, what the position
 17 was, what his restrictions were.
 18 Q So it would be -- the evidence would be the
 19 documents that have been presented and you've testified
 20 about; right?
 21 A Some of them.
 22 MR. YOUNG: Standing objection.
 23 BY MS. ENGLAND:
 24 Q And you never put the documents -- I'm sorry.
 25 You never committed in writing to exactly what

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1 the District's position was and sent it to Officer
 2 Roberts, did you?
 3 A No.
 4 Q So that enables you to come here today, for
 5 example, this morning, and testify to a position, a
 6 part of that position which is completely at odds with
 7 what every other witness has testified to?
 8 MR. YOUNG: Objection. Argumentative.
 9 THE WITNESS: No.
 10 BY MS. ENGLAND:
 11 Q Did you purposefully not commit the position
 12 as you articulated it to Officer Roberts on November
 13 22nd, 2011, so that you would be able to argue it
 14 differently later on?
 15 A No.
 16 MR. YOUNG: Objection. Argumentative. Go
 17 ahead and answer again.
 18 THE WITNESS: No.
 19 BY MS. ENGLAND:
 20 Q And you never wrote down or took any notes in
 21 any of the meetings that you attended that had to do
 22 with Officer Roberts and this year-long ban of his use
 23 of male restroom facilities at Clark County School
 24 District?
 25 MR. YOUNG: Standing objection.

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1 THE WITNESS: No.
 2 BY MS. ENGLAND:
 3 Q So back to Subject No. 6: You said that --
 4 did you have a discussion, did Mr. Greenberg tell you
 5 who at the Instruction Unit he directed to create the
 6 new policy which was to come out?
 7 A No, there was no instructions to create a new
 8 policy.
 9 Q Well, how did -- there was no adult restroom
 10 policy in September of 2012; isn't that right?
 11 MR. YOUNG: Standing objection.
 12 THE WITNESS: I don't understand the question.
 13 BY MS. ENGLAND:
 14 Q Sure. Let's take it in August of 2012, there
 15 was no policy at the School District about adult
 16 restroom use?
 17 MR. YOUNG: Standing objection.
 18 THE WITNESS: A formal policy? No.
 19 BY MS. ENGLAND:
 20 Q And you're here on the subject of the new
 21 policy that comes out. Do you understand that?
 22 A No.
 23 MR. YOUNG: No. Topic No. 6 dealt with what
 24 you called a restroom policy announced and imposed on
 25 Plaintiff in October and/or November of 2011. That was

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<p>1 the policy that No. 6, Subject No. 6 is about. And</p> <p>2 then any decision to change that -- quote, unquote --</p> <p>3 policy that we have defined as a position that was</p> <p>4 taken with regard to Officer Roberts' restroom use.</p> <p>5 That is the topic that you identified for No. 6.</p> <p>6 You're talking about something completely different</p> <p>7 now, Kathy.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q Mr. Okazaki, you have to answer my questions.</p> <p>10 A I'm answering every question you present to</p> <p>11 me.</p> <p>12 Q Great. Let's continue to do so then, okay?</p> <p>13 A Sure.</p> <p>14 Q So in August of 2012, the School District --</p> <p>15 and you've already talked about this Instruction Unit</p> <p>16 working in connection with Mr. Greenberg, you've said</p> <p>17 that they worked up a policy. And you identified</p> <p>18 Dr. Barton, I believe it was, as the head of the</p> <p>19 Instruction Unit. I asked you who initiated the idea</p> <p>20 that there was going to be a new position imposed on</p> <p>21 Brad Roberts. And you said the initiation came from</p> <p>22 Scott Greenberg after the receipt of the notice of the</p> <p>23 hearing, and instructions went to the Instruction Unit</p> <p>24 to do so.</p> <p>25 A No, that's not what I said.</p>	<p>1 A Scott Greenberg asked the Instruction Unit to</p> <p>2 confirm in writing that this was our -- this was the</p> <p>3 rule at school sites.</p> <p>4 Q And how did Scott Greenberg ask the</p> <p>5 Instruction Unit to confirm in writing that that was</p> <p>6 the practice at school sites? By e-mail?</p> <p>7 A I don't know.</p> <p>8 Q Did you ask Mr. Greenberg how he did that so</p> <p>9 you could be prepared to come here today and tell us?</p> <p>10 A No.</p> <p>11 Q And when did Mr. Greenberg do that?</p> <p>12 A Some time before the written confirmation of</p> <p>13 the rule was issued, and after the Exhibit 37, the</p> <p>14 notice of the administrative hearing.</p> <p>15 MR. YOUNG: I'm going to impose the standing</p> <p>16 objection on that question. Sorry that was late.</p> <p>17 BY MS. ENGLAND:</p> <p>18 Q So some time after the September 6th, 2012,</p> <p>19 notice but before the issuance of the actual -- you</p> <p>20 first stalled it a "policy," now you've downgraded it</p> <p>21 to "practice" or "rule."</p> <p>22 A Correct.</p> <p>23 Q And before the practice or rule was issued --</p> <p>24 A In writing.</p> <p>25 Q -- in writing, there was no written practice</p>
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<p>1 Q Okay. So what did you say?</p> <p>2 A I said -- you asked me who was involved --</p> <p>3 Q Why don't you tell me what you said?</p> <p>4 A I don't remember what I said. I know I didn't</p> <p>5 say that.</p> <p>6 Q Okay. Tell me what you said.</p> <p>7 A Actually, I'm trying to repeat what I said. I</p> <p>8 said that the decision to change the District's</p> <p>9 position in regard to Officer Roberts came after the</p> <p>10 notice of -- after we realized that the matter was</p> <p>11 going to go to a public hearing, that it was initiated</p> <p>12 by Scott Greenberg, and that Carlos McDade and, I</p> <p>13 believe Dr. Barton was involved in that decision.</p> <p>14 That's all I said.</p> <p>15 Q What was Dr. Barton's -- you said Dr. Barton</p> <p>16 was the head of the Instruction Unit at the time?</p> <p>17 A Correct.</p> <p>18 Q What was Dr. Barton's involvement?</p> <p>19 A His involvement was to memorialize in writing</p> <p>20 a longstanding policy in regard to restroom use at</p> <p>21 school sites. If I said "policy," I misspoke. A</p> <p>22 longstanding practice or rule regarding restroom use at</p> <p>23 school sites.</p> <p>24 Q And you say that was Dr. Barton at the</p> <p>25 Instruction Unit who was tasked with that, by whom?</p>	<p>1 or rule regarding school adult restroom use, was there?</p> <p>2 A No.</p> <p>3 MS. ENGLAND: I'll show you what we'll have</p> <p>4 marked as Exhibit 39.</p> <p>5 (Exhibit 39 marked)</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q Mr. Okazaki, in connection with your</p> <p>8 preparation on Subject No. 6, you did not ask</p> <p>9 Mr. Greenberg to see the e-mail or other communication</p> <p>10 that you say occurred some time after September 6th but</p> <p>11 before October 1st where he asked Dr. Barton or</p> <p>12 instructed -- excuse me -- asked Dr. Barton to have the</p> <p>13 Instruction Unit confirm in writing what was the</p> <p>14 practice or the rule about school adult restroom use?</p> <p>15 MR. YOUNG: Standing objection.</p> <p>16 THE WITNESS: Correct.</p> <p>17 MS. ENGLAND: And, Mr. Young, we'll ask the</p> <p>18 School District to produce that e-mail or other</p> <p>19 communication or memorialization about exactly when</p> <p>20 Scott Greenberg asked Dr. Barton of the Instruction</p> <p>21 Unit to confirm in written form the school adult</p> <p>22 restroom use practice or rule.</p> <p>23 MR. YOUNG: On what basis?</p> <p>24 MS. ENGLAND: On the basis of this witness</p> <p>25 should have been prepared to testify to that.</p>

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1 MR. YOUNG: I'll disagree. And I'll reimpose
2 the standing objection.
3 BY MS. ENGLAND:
4 Q So you can't pinpoint the date when Scott
5 Greenberg did it?
6 A I cannot. I can't even pinpoint whether it
7 was Dr. Barton, or -- now that I'm looking at this
8 document, it refreshes my recollection that Pat
9 Skorkowsky at the time was actually the deputy
10 superintendent over instruction, and Mike Barton was
11 the associate superintendent. All I know is that
12 the --
13 Q What did Mr. Greenberg tell you?
14 A -- communication went to the Instruction Unit
15 because the Instruction Unit was the one who issued the
16 written confirmation of the school rule.
17 Q Who told you that the communication went from
18 Scott Greenberg to the Instruction Unit?
19 A Scott Greenberg.
20 Q And Mr. Greenberg told you this when?
21 A During our meeting in preparation for the
22 first deposition.
23 Q Two weeks ago?
24 A Whatever date that was.
25 Q In the month of June?

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1 A Yes.
2 Q Of 2016?
3 A Yes.
4 Q When Mr. Greenberg, preparing you to testify
5 here today as the 30(b)(6) Designee, told you that he
6 communicated with someone in the Instruction Unit, did
7 you ask him the follow-up questions: Did you ask him:
8 When did you communicate? Who did you communicate?
9 What did you tell them? Can I see the e-mail? Has it
10 been memorialized?
11 Did you ask Mr. Greenberg any of those
12 follow-up questions so that you could come here today
13 and be fully prepared to tell us when Mr. Greenberg
14 undertook initiating the -- what ended up being the
15 written School Adult Restroom Rule?
16 MR. YOUNG: Standing objection.
17 THE WITNESS: Yes. I asked him, what was the
18 communication? What did you ask the Instruction Unit
19 to do? What was their involvement in this? And he
20 indicated that there was a need to have evidence that
21 there was this longstanding rule, and the intent to put
22 it in writing. And so they -- he communicated that to
23 the Instruction Unit. The Instruction Unit said, sure,
24 fine. They drafted that up, and they distributed it.
25 // ///

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1 BY MS. ENGLAND:
2 Q So did you ask Mr. Greenberg in preparing to
3 come here today, did you ask him to see the e-mail or
4 the other communication he used to communicate to the
5 Instruction Unit that they need to have evidence of
6 this longstanding rule?
7 A No.
8 Q Did anyone tell you it was your obligation in
9 order to be able to speak to this today to go find that
10 out, to take a look at those documents, or to otherwise
11 ask Dr. Barton, or now Superintendent Skorkowsky, if
12 they indeed were at the receiving end of the
13 instruction?
14 MR. YOUNG: Standing objection.
15 THE WITNESS: No.
16 BY MS. ENGLAND:
17 Q Did you ask Mr. Greenberg, who was providing
18 you with information so that you could be the 30(b)(6)
19 Designee, did you ask him how he knew what this
20 longstanding rule or practice was, where did he get the
21 information about its existence even if it wasn't
22 written?
23 MR. YOUNG: Standing objection.
24 THE WITNESS: Yes. He got that from the
25 Instruction Unit. So he received from the Instruction

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1 Unit what the rule would be at schools in regard to
2 adult restroom use. And then he said he asked them,
3 "Will you put that in writing so we will have evidence
4 of that longstanding rule in writing?"
5 BY MS. ENGLAND:
6 Q So when you say "he," you're talking about
7 Mr. Greenberg received from the Instruction Unit what
8 the rule was, and then Mr. Greenberg asked the
9 Instruction Unit to put it in writing?
10 A Correct.
11 MR. YOUNG: Standing objection.
12 BY MS. ENGLAND:
13 Q Who did Mr. Greenberg, and when did
14 Mr. Greenberg receive this information from the
15 Instruction Unit verbally that told him what the rule
16 was --
17 MR. YOUNG: Standing objection.
18 BY MS. ENGLAND:
19 Q -- before he asked them to put it in writing?
20 A After receipt of the notice of public hearing,
21 and prior to the distribution of it in writing.
22 Q Who did Mr. Greenberg talk to at the
23 Instruction Unit who verbally told him what the rule
24 was?
25 MR. YOUNG: Standing objection.

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<p>1 THE WITNESS: I don't know.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q Did you not know it was your obligation to</p> <p>4 come here today and to testify to that?</p> <p>5 MR. YOUNG: Standing objection.</p> <p>6 THE WITNESS: Yeah, I do not understand that</p> <p>7 to be my obligation.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q Did you ask Mr. Skorkowsky?</p> <p>10 A No.</p> <p>11 Q Did you ask Mr. Barton?</p> <p>12 A No.</p> <p>13 Q Did you ask anyone in the Instruction Unit?</p> <p>14 A Ask them what?</p> <p>15 Q The subject we were just talking about: Who</p> <p>16 got the call from Scott Greenberg where Scott Greenberg</p> <p>17 asked the Instruction Unit what the school -- adult</p> <p>18 school restroom use rule was?</p> <p>19 A I did not ask anybody that question.</p> <p>20 Q And despite the fact that two weeks ago</p> <p>21 Mr. Greenberg told you that he called the Instruction</p> <p>22 Unit, you didn't ask him who he talked to who told him</p> <p>23 what the rule was?</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 THE WITNESS: He didn't tell me he called. He</p>	<p>1 Unit to put it together in a written rule?</p> <p>2 MR. YOUNG: Standing objection.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. ENGLAND:</p> <p>5 Q So now having looked at Exhibit 39, which was</p> <p>6 revised on September 13th, 2012, of the people on here,</p> <p>7 you've identified that possibly it was Pat Skorkowsky,</p> <p>8 the deputy superintendent, that Mr. Greenberg --</p> <p>9 although you didn't find out -- that Mr. Greenberg</p> <p>10 might have gotten the information from, or it might</p> <p>11 have been Mike Barton, the associate superintendent?</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 BY MS. ENGLAND:</p> <p>14 Q Anybody else on here?</p> <p>15 MR. YOUNG: Standing objection. Also,</p> <p>16 argumentative.</p> <p>17 THE WITNESS: No, those are the two parties</p> <p>18 that I believe -- either one of those were the ones</p> <p>19 that were involved.</p> <p>20 MS. ENGLAND: Okay. We're done with that.</p> <p>21 Here's 40.</p> <p>22 (Exhibit 40 marked)</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q Mr. Okazaki, we've given you what's been</p> <p>25 marked as Exhibit 40. Do you know what this is?</p>
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<p>1 understood -- he related to me that he received notice</p> <p>2 from the Instruction Unit -- and by "notice," I don't</p> <p>3 mean anything kind of formal -- that he received</p> <p>4 information from the Instruction Unit as to the</p> <p>5 unwritten rule of adult restroom use at school sites,</p> <p>6 and then he subsequently asked them to put that in</p> <p>7 writing.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q And he didn't tell you -- Scott Greenberg</p> <p>10 didn't tell you who he got this information from at the</p> <p>11 Instruction Unit?</p> <p>12 A No.</p> <p>13 MR. YOUNG: Standing objection.</p> <p>14 BY MS. ENGLAND:</p> <p>15 Q And he didn't tell you when he got this</p> <p>16 information from the Instruction Unit?</p> <p>17 MR. YOUNG: Standing objection.</p> <p>18 THE WITNESS: No.</p> <p>19 BY MS. ENGLAND:</p> <p>20 Q And you didn't undertake any additional</p> <p>21 preparation measures to find out who told Scott</p> <p>22 Greenberg and when they told him?</p> <p>23 A No.</p> <p>24 Q And similarly, you didn't find out when Scott</p> <p>25 Greenberg told them and who he told in the Instruction</p>	<p>1 A Yes.</p> <p>2 Q What is it?</p> <p>3 A This is a correspondence that is distributed</p> <p>4 to our alternative program principals, as well as</p> <p>5 copied to the assistant elementary school principals.</p> <p>6 Q Is it like a newsletter?</p> <p>7 A Yes, with a -- not a newsletter, but, yes, an</p> <p>8 informational communication about various issues and</p> <p>9 topics.</p> <p>10 Q It appears that this goes out to elementary</p> <p>11 schools on a weekly basis?</p> <p>12 A Yes. Yes.</p> <p>13 Q See where it says, "Subject: Elementary</p> <p>14 Schools - Weekly" --</p> <p>15 A Right.</p> <p>16 Q -- "September 21, 2012"?</p> <p>17 A Correct.</p> <p>18 Q Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Juanita Cha Williams, is Ms. Williams a School</p> <p>21 District official?</p> <p>22 A No, I don't believe she's an official. I</p> <p>23 believe she's a support staff employee who is</p> <p>24 responsible for just actually putting this into an</p> <p>25 InterAct, and then e-mailing it to these groups of</p>

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1 people.

2 Q So does Ms. Williams work for a School

3 District official who tells her or oversees what's

4 supposed to go into these newsletters?

5 A Yes.

6 Q Who does she work for?

7 A I don't know her immediate supervisor.

8 Q But in general?

9 A Yeah, Instruction Unit. This comes out of the

10 Instruction Unit.

11 Q So does Ms. Williams work for the Instruction

12 Unit?

13 MR. YOUNG: Standing objection.

14 THE WITNESS: Yes, I believe she does.

15 BY MS. ENGLAND:

16 Q So this indicates -- if you look on the second

17 page, CCSD 001911 --

18 A Okay.

19 Q -- it's listed under "Must Know." Do you see

20 that?

21 A Yes.

22 Q "School Adult Restroom Use"?

23 A Yes.

24 Q And it says, "Please see the attachment titled

25 School Adult Restroom Use." Is that the restroom use

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1 rule or practice of which you were speaking, which is

2 what came out of the Instruction Unit in September of

3 2012 after Mr. Greenberg initiated it being reduced to

4 writing?

5 MR. YOUNG: Standing objection.

6 THE WITNESS: Yes.

7 BY MS. ENGLAND:

8 Q And this adult restroom use, you're saying

9 from your discussion with Mr. Greenberg, was nothing

10 more than committing what was the rule or practice to

11 writing?

12 A Yes.

13 Q Didn't change anything? It's not a policy.

14 It didn't change anything. It was just that now the

15 Instruction Unit was issuing it in written form what

16 you, the School District, understood to be the actual

17 practice existing in the District at the time?

18 MR. YOUNG: Standing objection.

19 THE WITNESS: Yes.

20 BY MS. ENGLAND:

21 Q And this says --

22 MR. YOUNG: I'm sorry. Before you ask another

23 question, I need to take a break.

24 MS. ENGLAND: Of course.

25 (Recess taken from 1:44 to 1:50)

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1 BY MS. ENGLAND:

2 Q Mr. Okazaki, we're on Exhibit 40, on the page

3 2 of the exhibit which is 1911.

4 A Okay.

5 Q It says, "Please see the attachment entitled

6 School Adult Restroom Use." Do you see that the

7 alternative and elementary school principals are being

8 told that this is a new entry in the Instruction Unit

9 Administrative Reference?

10 A Yes.

11 Q Does that mean this is the first time this

12 rule is being issued in written form?

13 A No. That means that it's the first time that

14 it's going to be included in the Instruction Unit

15 Administrative Reference document.

16 Q Where would -- well, it didn't exist in

17 written form before this September 2012 time frame;

18 isn't that right?

19 MR. YOUNG: Standing objection.

20 THE WITNESS: That's correct.

21 BY MS. ENGLAND:

22 Q And what you're saying -- what does this mean?

23 Does it mean that it's being issued -- this practice

24 has been reduced to writing, and it's now going to be

25 issued in written form, but it also is going to become

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1 part of the Instruction Unit Administrative Reference?

2 MR. YOUNG: Standing objection.

3 THE WITNESS: Yes.

4 BY MS. ENGLAND:

5 Q So what kinds of things are included in this

6 Instruction Unit Administrative Reference?

7 MR. YOUNG: Standing objection.

8 THE WITNESS: All various types of things in

9 regard to the operation of the school. So they're

10 numerous.

11 BY MS. ENGLAND:

12 Q And then it says, "Principals must ensure that

13 the school follows the procedure." Whose idea was it

14 that principals would be responsible for this?

15 MR. YOUNG: Standing objection.

16 THE WITNESS: The Instruction Unit included

17 that, that part. So the Instruction Unit, who is the

18 administrative head of all the principals, is directing

19 them to ensure that they follow the procedure.

20 BY MS. ENGLAND:

21 Q When you say the Instruction Unit is the

22 administrative head of all the principals, does that

23 mean that that Instruction Unit is the layer of the

24 hierarchy of the School District that oversees all of

25 the schools?

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<p>1 MR. YOUNG: Standing objection.</p> <p>2 THE WITNESS: Yes, for instruction and school</p> <p>3 operation purposes, so anything regarding instruction</p> <p>4 curriculum that the principals would answer up the</p> <p>5 chain of the Instruction Unit.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q So Mr. Skorkowsky, who is now the</p> <p>8 Superintendent of Schools, but when he was head, as</p> <p>9 you've seen in the earlier document, when he was head</p> <p>10 of the Instruction Unit, to whom did he report?</p> <p>11 MR. YOUNG: Standing objection.</p> <p>12 THE WITNESS: The superintendent.</p> <p>13 BY MS. ENGLAND:</p> <p>14 Q Was that a direct report from Mr. Skorkowsky</p> <p>15 as the deputy superintendent, head of Instruction Unit,</p> <p>16 directly to Superintendent Jones?</p> <p>17 MR. YOUNG: Standing objection.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MS. ENGLAND:</p> <p>20 Q There's no associate -- there's no</p> <p>21 intermediary between Mr. Skorkowsky as deputy</p> <p>22 superintendent and the superintendent himself or</p> <p>23 herself; right?</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 THE WITNESS: No.</p>	<p>1 MR. YOUNG: Standing objection.</p> <p>2 BY MS. ENGLAND:</p> <p>3 Q So it's inaccurate to call -- to suggest that</p> <p>4 there's a previous written version by calling this</p> <p>5 "date of revision." This the first time this is issued</p> <p>6 in writing, is it not?</p> <p>7 A I believe so.</p> <p>8 MR. YOUNG: Standing objection. Compound.</p> <p>9 You can answer.</p> <p>10 THE WITNESS: I believe so.</p> <p>11 BY MS. ENGLAND:</p> <p>12 Q And where in this rule issued by the</p> <p>13 Instruction Unit does it say anything about gender</p> <p>14 specific use of restrooms?</p> <p>15 A It does not.</p> <p>16 Q And where in this restroom use rule does it</p> <p>17 indicate that Brad Roberts, a transgender male, is</p> <p>18 permitted to use male restroom facilities from which he</p> <p>19 had been banned at School District property for the</p> <p>20 past year?</p> <p>21 MR. YOUNG: Standing objection.</p> <p>22 THE WITNESS: I'm sorry. Can you repeat that</p> <p>23 question?</p> <p>24 MS. ENGLAND: Sure.</p> <p>25 /////</p>
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<p>1 BY MS. ENGLAND:</p> <p>2 Q So then go on and look at the last page, which</p> <p>3 is the actual policy. Do you see it says date of</p> <p>4 revision, September 12th, 2012?</p> <p>5 A Yes.</p> <p>6 Q So that's the date it's actually issued, is it</p> <p>7 not? It's not revised from an earlier one?</p> <p>8 A Yes. I mean, I think it's the first time that</p> <p>9 this was -- this rule is actually put in writing.</p> <p>10 Q So it actually shouldn't say "date of</p> <p>11 revision." It should say "date of issuance" to be more</p> <p>12 accurate, should it not?</p> <p>13 MR. YOUNG: Standing objection.</p> <p>14 THE WITNESS: Well, depends, I guess, like I</p> <p>15 indicated --</p> <p>16 BY MS. ENGLAND:</p> <p>17 Q On this policy?</p> <p>18 A Well, it's not a policy.</p> <p>19 Q Excuse me.</p> <p>20 A It's a rule. And if the idea that it's being</p> <p>21 revised to be put into writing, then that happened on</p> <p>22 September 12th, 2012.</p> <p>23 Q But there is no prior iteration of this in</p> <p>24 writing?</p> <p>25 A Correct.</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q Where in this School Adult Restroom Use Rule</p> <p>3 does it indicate that Brad Roberts, a transgender male</p> <p>4 employee, is now permitted to use male restrooms?</p> <p>5 MR. YOUNG: Standing objection.</p> <p>6 THE WITNESS: This does not specifically</p> <p>7 reference transgender or gender identity employees.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q And this rule, School Adult Restroom Use Rule,</p> <p>10 does not at all address anything to do with</p> <p>11 gender-specific restrooms facility, does it?</p> <p>12 MR. YOUNG: Standing objection.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MS. ENGLAND:</p> <p>15 Q And it says that, "Clark County School</p> <p>16 District employees assigned to work in a school</p> <p>17 facility are supposed to be using the adult restrooms</p> <p>18 provided."</p> <p>19 Did you understand that that was the general</p> <p>20 practice throughout the School District --</p> <p>21 A Yes.</p> <p>22 Q -- that adult employees don't use children's</p> <p>23 restrooms in school facilities in general?</p> <p>24 MR. YOUNG: Standing objection.</p> <p>25 THE WITNESS: That was our rule. That was our</p>

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<p>1 longstanding rule and practice that adults should not</p> <p>2 be using the student restrooms.</p> <p>3 BY MS. ENGLAND:</p> <p>4 Q And what was -- what schools were Brad Roberts</p> <p>5 assigned to during the year of prohibition?</p> <p>6 MR. YOUNG: Standing objection.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 BY MS. ENGLAND:</p> <p>9 Q You've already said that you did not</p> <p>10 undertake, and you know of no one undertaking a survey</p> <p>11 to see if the schools to which Brad Roberts was</p> <p>12 routinely assigned had facilities that he could use for</p> <p>13 the purposes of urinating and defecating?</p> <p>14 MR. YOUNG: Standing objection.</p> <p>15 THE WITNESS: Yes, I did not -- I testified</p> <p>16 that I did not do a survey or any kind of poll, or</p> <p>17 anything. I would say aware that all of our schools</p> <p>18 have single-occupancy and/or gender-neutral facilities.</p> <p>19 BY MS. ENGLAND:</p> <p>20 Q Did you inspect the schools that Brad Roberts</p> <p>21 was regularly assigned to?</p> <p>22 A No.</p> <p>23 MR. YOUNG: Standing objection.</p> <p>24 BY MS. ENGLAND:</p> <p>25 Q And when you say, "I was aware that all</p>	<p>1 not lying, you just don't recall; isn't that correct?</p> <p>2 You didn't take any notes?</p> <p>3 MR. YOUNG: Standing objection.</p> <p>4 THE WITNESS: I did not take any notes.</p> <p>5 BY MS. ENGLAND:</p> <p>6 Q Okay. We're done with 40.</p> <p>7 Could you turn to 41, please, which I believe</p> <p>8 is in the book?</p> <p>9 So the high school principals, according to</p> <p>10 Exhibit 40, have been told on September 21st about the</p> <p>11 now written rule for school adult room use. And this</p> <p>12 shows Scott Greenberg telling the chief of police of</p> <p>13 the School District Police Department, telling them for</p> <p>14 the first time that the Instruction Unit written rule</p> <p>15 for bathroom use at school is now being attached. Do</p> <p>16 you see that?</p> <p>17 A I see it says, "Attached." I'm not sure where</p> <p>18 you're getting the reference to the first time that</p> <p>19 it's being attached.</p> <p>20 Q Okay. So when did Scott Greenberg first tell</p> <p>21 the police department about the school adult restroom</p> <p>22 use policy --</p> <p>23 MR. YOUNG: Standing objection.</p> <p>24 BY MS. ENGLAND:</p> <p>25 Q -- since you are the 30(b)(6) Designee who is</p>
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<p>1 schools have these facilities," you were not aware that</p> <p>2 some of the schools that he was regularly assigned to</p> <p>3 didn't have those facilities, were you?</p> <p>4 MR. YOUNG: Standing objection. Misrepresents</p> <p>5 facts in evidence. You may answer.</p> <p>6 BY MS. ENGLAND:</p> <p>7 Q You were not aware of that?</p> <p>8 A I don't believe that's true. So, no, I was</p> <p>9 not aware of that.</p> <p>10 Q When Brad Roberts told you in that meeting on</p> <p>11 November 22nd, 2011, that not all the schools that he's</p> <p>12 assigned to have those facilities, you never responded</p> <p>13 to him, did you?</p> <p>14 MR. YOUNG: Standing objection.</p> <p>15 THE WITNESS: I don't recall Brad Roberts</p> <p>16 making that statement to me.</p> <p>17 BY MS. ENGLAND:</p> <p>18 Q And you didn't write it down or check into it,</p> <p>19 did you, when he protested and said not every school</p> <p>20 has those facilities?</p> <p>21 A I don't recall him making that statement.</p> <p>22 MR. YOUNG: Standing objection.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q And so others who remember him making that</p> <p>25 statement and others who remember challenging, they're</p>	<p>1 supposed to come here today and tell us about when the</p> <p>2 police department found out about this now written</p> <p>3 rule?</p> <p>4 MR. YOUNG: Standing objection.</p> <p>5 THE WITNESS: I'm not -- I didn't -- I have no</p> <p>6 idea when or if Scott Greenberg verbally told the chief</p> <p>7 of police about the longstanding rule and practice at</p> <p>8 schools in regard to adult restroom use.</p> <p>9 BY MS. ENGLAND:</p> <p>10 Q So you came here today --</p> <p>11 A I know that in this e-mail, he is -- he is</p> <p>12 saying, "Attached is the written rule for bathroom use</p> <p>13 at schools."</p> <p>14 Q And that occurred on what date?</p> <p>15 A September 25th, 2012.</p> <p>16 Q So that's almost two weeks after it was issued</p> <p>17 by the Instruction Unit, is it not?</p> <p>18 MR. YOUNG: Standing objection.</p> <p>19 THE WITNESS: No, it doesn't look like it's</p> <p>20 that long.</p> <p>21 BY MS. ENGLAND:</p> <p>22 Q You're not looking at the right page.</p> <p>23 A Which page number are you looking at?</p> <p>24 Q If you're on Exhibit 40, you should be looking</p> <p>25 at the actual policy. You're looking at how quickly</p>

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1 the elementary schools got it out to its principals.
 2 Now I'm asking about how quickly the legal department
 3 told the police department about it.
 4 MR. YOUNG: Standing objection.
 5 THE WITNESS: Again, it's not a policy, but --
 6 BY MS. ENGLAND:
 7 Q Excuse me. The rule.
 8 A Yes, the rule was put in writing on September
 9 12th, 2012. And Mr. Greenberg e-mailed the written
 10 rule, that written rule to the chief of police on
 11 September 25th.
 12 Q So that's almost two weeks later?
 13 A 13 days.
 14 Q Would you agree with me that's almost two
 15 weeks?
 16 A Almost, yes.
 17 Q And in preparation for your testimony here
 18 today as the 30(b)(6) Designee, you looked at no
 19 evidence that Mr. Greenberg sent it to the police
 20 department any sooner than the document you have in
 21 front of you, which is 41?
 22 MR. YOUNG: Standing objection.
 23 THE WITNESS: Yeah, I'm not aware of him
 24 sending it -- oh, I'm sorry.
 25 MR. YOUNG: Standing objection. You can

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1 answer.
 2 THE WITNESS: I'm not aware of him sending it
 3 any time earlier than this e-mail.
 4 BY MS. ENGLAND:
 5 Q So would you please read this e-mail from the
 6 word, "Please," which is the second sentence?
 7 A "Please meet with Roberts to inform him that
 8 he may use the bathroom of choice," parenthesis,
 9 "male," closed parenthesis, "at non-School District
 10 facilities," open parenthesis, "we still don't care
 11 what bathroom he uses at non-District sites," closed
 12 parenthesis, "and that at schools, he is to follow the
 13 attached rule, i.e., use admin bathrooms," open
 14 parenthesis, "give him a copy if he wants to have it,"
 15 closed parenthesis, period. "Please let me know after
 16 you meet with him. Can you do it this week?"
 17 Q Did you and Mr. Greenberg discuss this e-mail
 18 when you were preparing to be the 30(b)(6) Designee?
 19 A Yes.
 20 Q Did Mr. Greenberg tell you why Mr. Roberts was
 21 being singled out as an individual to be given this new
 22 Instruction Unit written rule?
 23 MR. YOUNG: Standing objection. You can
 24 answer.
 25 THE WITNESS: Yes. He wasn't --

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1 BY MS. ENGLAND:
 2 Q What did Mr. Greenberg tell you?
 3 A Officer Roberts was given this --
 4 Q What did Mr. Greenberg tell you?
 5 MR. YOUNG: Let him answer.
 6 THE WITNESS: I'm trying to answer the
 7 question.
 8 BY MS. ENGLAND:
 9 Q No. My question was: Did Mr. Greenberg tell
 10 you why Officer Roberts was singled out as an
 11 individual to be given the unwritten rule?
 12 A And I'm --
 13 Q You answered, "Yes." Now you need to --
 14 that's all, the only question I asked. It's a "yes" --
 15 MR. YOUNG: You can't cut him off in the
 16 middle of answering the question. You have to let him
 17 answer the question fully. It's inappropriate for you
 18 to cut the witness off in the middle of answering a
 19 question.
 20 BY MS. ENGLAND:
 21 Q The answer to my question was "yes" or "no."
 22 Did Mr. Greenberg tell you why Officer Roberts
 23 was singled out for being given this Instruction Unit
 24 written rule on adult use of school bathrooms? And the
 25 answer is "yes" or "no."

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1 A No.
 2 Q Okay. We're done with that.
 3 Would you turn to 42?
 4 Just so we have this timing straight, on
 5 September 25th at 11:30 in the morning, Mr. Greenberg
 6 tells Chief Ketsaa to -- I'm sorry. Go back to
 7 Exhibit 41. What's the subject line of that?
 8 A "Bradley Roberts."
 9 Q And what other employees were singled out and
 10 personally handed a copy of the Instruction Unit
 11 written rule for bathroom use at schools? Please name
 12 them.
 13 MR. YOUNG: Standing objection.
 14 THE WITNESS: I'm not aware of any other
 15 employee who was individually handed the written rule
 16 for bathroom use at schools.
 17 BY MS. ENGLAND:
 18 Q Do you see that Greenberg is telling the
 19 police department on September 25th to single out Brad
 20 Roberts and provide him with a copy of this rule?
 21 MR. YOUNG: Standing objection.
 22 Argumentative.
 23 BY MS. ENGLAND:
 24 Q Right?
 25 A No, no. And I say no because --

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<p>1 Q I'm just asking about the time.</p> <p>2 A I'm saying because he's not being singled out.</p> <p>3 Q No, no. I'm asking about the time. Do you</p> <p>4 see that on September 25th, Greenberg is telling the</p> <p>5 police department that Brad Roberts is to be met with</p> <p>6 and given or shown a copy of the Instruction Unit</p> <p>7 written rule on -- they're being told on September</p> <p>8 25th?</p> <p>9 A Yes.</p> <p>10 Q Now look at Exhibit 42. This is from -- did</p> <p>11 you look at this e-mail with Mr. Greenberg?</p> <p>12 A Yes.</p> <p>13 Q In preparation for being the 30(b)(6) Designee</p> <p>14 on Subject No. 6?</p> <p>15 A Yes.</p> <p>16 Q What is the subject of this e-mail?</p> <p>17 A "Bathroom use by non-school based personnel."</p> <p>18 Q What is the date of this e-mail where the</p> <p>19 police department is now notifying -- or now taking the</p> <p>20 action that they were told to take back on September</p> <p>21 25th by Scott Greenberg?</p> <p>22 A I disagree with that characterization. This</p> <p>23 is not what --</p> <p>24 MR. YOUNG: Standing objection. You can</p> <p>25 answer.</p>	<p>1 BY MS. ENGLAND:</p> <p>2 Q So when you say "this is" and you're pointing</p> <p>3 to something, what is it you're pointing to,</p> <p>4 Mr. Okazaki?</p> <p>5 A Exhibit 42.</p> <p>6 Q So do you see that the Exhibit 41 e-mail is in</p> <p>7 the stream below in Exhibit 42?</p> <p>8 A Yes.</p> <p>9 Q So you do not agree that Exhibit 42's e-mail</p> <p>10 is in response to Exhibit 41's e-mail, even though they</p> <p>11 follow in the stream?</p> <p>12 A No, what I said was Exhibit 42 from Captain</p> <p>13 York has nothing to do with Officer Roberts. This is a</p> <p>14 secondary thing that he is doing by publicizing or</p> <p>15 publishing the Instruction Unit written rule of adult</p> <p>16 restroom use at schools in their general administrative</p> <p>17 notices to all police officers. So separate and apart</p> <p>18 from this, they met with --</p> <p>19 Q When you say "this," what are you talking to?</p> <p>20 A Exhibit 42 -- they met with Officer Roberts,</p> <p>21 they advise him of the new position, they gave him a</p> <p>22 copy of the adult restroom -- but all of that that they</p> <p>23 did with Officer Roberts is not in any way memorialized</p> <p>24 or referenced in Captain York's e-mail of October 3rd.</p> <p>25 Q Well, actually, it is, Mr. Okazaki. Look at</p>
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<p>1 THE WITNESS: This e-mail has nothing to do</p> <p>2 with -- or it doesn't have anything to do with Officer</p> <p>3 Roberts.</p> <p>4 BY MS. ENGLAND:</p> <p>5 Q Okay. Exhibit No. 41, Scott Greenberg</p> <p>6 instructs the -- the subject of it is "Bradley</p> <p>7 Roberts," and it does two things, does it not? It</p> <p>8 attaches the Instruction Unit written rule, and it</p> <p>9 tells the police department to meet with Brad Roberts?</p> <p>10 A I can agree with that.</p> <p>11 Q And Greenberg tells Ketsaa to do that in an</p> <p>12 e-mail as soon as possible, but he sends that e-mail on</p> <p>13 September 25th?</p> <p>14 A I can agree with that.</p> <p>15 Q And then the first evidence that the police</p> <p>16 department is complying with the first part of that,</p> <p>17 which is the Instruction Unit issuing the Instruction</p> <p>18 Unit rule, is this October 3rd, eight days later,</p> <p>19 e-mail from York and Greenberg to Mari Fernandez</p> <p>20 saying, "Here's the new Instruction Unit rule, please</p> <p>21 make up an administrative notice for this." Do you see</p> <p>22 that?</p> <p>23 MR. YOUNG: Standing objection.</p> <p>24 THE WITNESS: I see that, but I do not agree</p> <p>25 that that's what this is.</p>	<p>1 Exhibit 42.</p> <p>2 A Okay.</p> <p>3 Q Do you have that in front of you?</p> <p>4 A I do.</p> <p>5 Q Perhaps you could put your glasses on. Do you</p> <p>6 see the top of it?</p> <p>7 A Yes.</p> <p>8 Q So this is Anthony York and Scott Greenberg</p> <p>9 sending to Mari Fernandez and Lieutenant Ken Young,</p> <p>10 they're forwarding the original message that</p> <p>11 Mr. Greenberg sent to Chief Ketsaa. Do you see that</p> <p>12 below?</p> <p>13 A No, they're forwarding the attachment saying</p> <p>14 use this to create an AN.</p> <p>15 Q And they're forwarding the e-mail, which is</p> <p>16 Greenberg's e-mail?</p> <p>17 A The e-mail is included in the forwarded e-mail</p> <p>18 which has the attachment to which he was forwarding.</p> <p>19 But Captain York's actual e-mail message to Mari is</p> <p>20 simply, here is a new written -- written rule regard to</p> <p>21 adult restroom use at schools, use it and create an AN.</p> <p>22 Q And in doing so, Captain York and Scott</p> <p>23 Greenberg both -- their forwarding included all the</p> <p>24 information below in the original message which</p> <p>25 Greenberg sent to Ketsaa which says, "Attached is the</p>

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<p>1 Instruction Unit rule for bathroom use at schools, 2 please meet with Roberts to inform him that he may use 3 the bathroom of his choice, male, at non-School 4 District facilities and" -- Greenberg says -- "we still 5 don't care what bathroom he uses at non-District 6 sites." 7 So when you said this had nothing to do with 8 it, they forwarded Greenberg's e-mail on to Mari 9 Fernandez and to Lieutenant Young so they are given 10 access to the two items: Number one, there's a new 11 Instruction Unit rule; and, number two, we're going to 12 tell Roberts this stuff, and we still don't care what 13 he uses if he's offsite. Do you see that? 14 MR. YOUNG: Standing objection. 15 THE WITNESS: I see what the e-mail says. 16 What I'm telling you is that the District's position is 17 that, yes, Scott Greenberg's e-mail to Chief Ketsaa is 18 included in the e-mail that Captain York sends to Mari. 19 But the subject of Anthony or Captain York's e-mail of 20 October 3rd to Mari is simply to take the attachment 21 that Scott had sent to Chief Ketsaa, separate and 22 apart, and had nothing to do with Officer Roberts, in 23 creating an administrative notice so that all the CCSD 24 PD officers would know what the written rule regarding 25 adult restroom use at schools was. That's what I'm</p>	<p>1 sending it to both her and Lieutenant Young and telling 2 Mari, confirming that they apparently had a 3 conversation, and he sends it under the chief's 4 signature. Do you see that -- 5 MR. YOUNG: Standing objection. 6 BY MS. ENGLAND: 7 Q -- Exhibit 42? Because the chief doesn't go 8 by "Tony," does he? 9 A No. So what happens here is Scott Greenberg 10 sends the e-mail to the chief. The chief obviously 11 just forwarded it to Tony York, Captain York, without 12 apparently any comment or anything in writing, anyway. 13 And then Tony is just using this e-mail, forwarded 14 e-mail, to send the attachment to Mari. 15 Q And to Young? 16 A And to Young. 17 Q And so now if you look at 43, within an hour, 18 Mari has turned the attachment into an administrative 19 notice, and it's being sent out to 12 groups, addressed 20 groups in the Clark County School District Police 21 Department. Do you see that? 22 A Yes. 23 MR. YOUNG: Standing objection. Asked and 24 answered. 25 THE WITNESS: Yes.</p>
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<p>1 saying. 2 BY MS. ENGLAND: 3 Q And so please turn to Exhibit 43. So this is 4 Mari Fernandez. She is the chief of police's 5 secretary, is she not? 6 A I believe so, yes. 7 Q And so she, within -- in under an hour of 8 being forwarded Greenberg's e-mail that says -- and 9 Greenberg's e-mail is from September 25th -- so eight 10 days later, York sends Greenberg's e-mail to Fernandez 11 and Young, tells Fernandez, "Per our conversation, we 12 need to use the attachment from this e-mail to develop 13 an AN." Within an hour, she does it. Do you see that? 14 And that's embodied in Exhibit 43. And not only does 15 she do it, but she e-mails it out to 12 groups within 16 the Clark County School District Police Department. Do 17 you see that? 18 MR. YOUNG: Standing objection. 19 THE WITNESS: Yes, not agreeing to any of the 20 prefacing comments you made, I do recognize that Mari 21 Fernandez's e-mail apparently distributing the 22 administrative notice was sent out approximately less 23 than an hour after Captain York directed her to do so. 24 BY MS. ENGLAND: 25 Q And Captain York directed her to do so by</p>	<p>1 BY MS. ENGLAND: 2 Q And so that was sent out at 4:07 in the 3 afternoon to pretty much everyone in the School 4 District Police Department? 5 MR. YOUNG: Standing objection. 6 THE WITNESS: Yes. 7 BY MS. ENGLAND: 8 Q What other department besides the police 9 department had this administrative notice, or this 10 school adult restroom notice sent to every single 11 member? 12 MR. YOUNG: Standing objection. 13 THE WITNESS: Well, it was sent to all of the 14 principals from the schools. That's the only one I'm 15 aware of, the principals, and then the Clark County 16 School District Police forwarded it to all of their 17 employees. 18 BY MS. ENGLAND: 19 Q So you know of no other department within the 20 School District that sent it to all of its employees? 21 MR. YOUNG: Standing objection. 22 THE WITNESS: Correct. 23 BY MS. ENGLAND: 24 Q Okay. We're done with 43. 25 Now I'll ask you to turn to 44. So this is an</p>

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<p>1 e-mail sent at 6:36 that night, that same night,</p> <p>2 October 3rd, 2012. Do you see that?</p> <p>3 A Yes.</p> <p>4 Q From York and Greenberg to Ken Young. Do you</p> <p>5 see that?</p> <p>6 A Again, it's the chain. So from Scott --</p> <p>7 Q Do you see that?</p> <p>8 A No. I mean, what I see is a chain from Scott</p> <p>9 Greenberg sending his initial e-mail to Chief Ketsaa;</p> <p>10 Chief Ketsaa forwarding it to Captain York; and then in</p> <p>11 this e-mail, Captain York is sending an e-mail to</p> <p>12 Captain Young.</p> <p>13 Q And who does Captain York CC on this e-mail?</p> <p>14 A The chief and Scott W. Fitzgerald.</p> <p>15 Q Who is Scott W. Fitzgerald?</p> <p>16 A I believe he's a teacher.</p> <p>17 Q Where?</p> <p>18 A I don't know. But that was a mistake by</p> <p>19 Captain York thinking that Scott Greenberg -- he</p> <p>20 mistakenly put in Scott Fitzgerald. It auto-populates,</p> <p>21 and he sent it to the wrong person.</p> <p>22 Q How do you know that? Did you and Greenberg</p> <p>23 discuss this, or are you just --</p> <p>24 A Yes. I'm sorry.</p> <p>25 Q Did you discuss it two weeks ago?</p>	<p>1 is actually new direction for all of our officers."</p> <p>2 Do you see that?</p> <p>3 A I do.</p> <p>4 Q So you said that this was an actual written</p> <p>5 version of what was existing rule. Did you and</p> <p>6 Greenberg discuss the fact that back in October of</p> <p>7 2012, Captain York is saying this is a new rule? Did</p> <p>8 you discuss it? Yes or no?</p> <p>9 A Yes.</p> <p>10 Q And what did Greenberg tell you?</p> <p>11 A That Captain York apparently -- or obviously</p> <p>12 was unaware that that was the school rule.</p> <p>13 Q How did Greenberg tell you that he knew that</p> <p>14 obviously Captain York was wrong and he, Greenberg, was</p> <p>15 right that this was the rule of which York was unaware?</p> <p>16 A Because Scott Greenberg received notice, or</p> <p>17 information from the Instruction Unit that this is the</p> <p>18 rule in schools. And so he relied on that as opposed</p> <p>19 to Captain York indicating this is a rule he had never</p> <p>20 heard of.</p> <p>21 Q And this says that, "CCSD Police Department</p> <p>22 administration needs to provide Officer Roberts with</p> <p>23 different direction than previously given regarding</p> <p>24 restroom use, and do it as soon as possible." And this</p> <p>25 says, "In our previous meeting with Brad Roberts and</p>
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<p>1 A Yes.</p> <p>2 Q What did Mr. Greenberg tell you? You have no</p> <p>3 personal knowledge of this; is that right?</p> <p>4 A Correct.</p> <p>5 Q What did Greenberg tell you? Since Greenberg</p> <p>6 is the only one you talked to besides your legal</p> <p>7 counsel to get facts for this deposition, what did</p> <p>8 Greenberg tell you?</p> <p>9 A That Captain York mistakenly put in "Scott</p> <p>10 Fitzgerald" instead of his name, Scott Greenberg.</p> <p>11 Q Did Mr. Greenberg tell you that anyone had</p> <p>12 made any efforts to remedy the inappropriate</p> <p>13 misdirection of this e-mail to a teacher named Scott</p> <p>14 Fitzgerald?</p> <p>15 MR. YOUNG: Standing objection.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MS. ENGLAND:</p> <p>18 Q And at 6:36 on October 3rd, Officer Roberts</p> <p>19 would have finished his shift by then, would he not?</p> <p>20 A I do not know.</p> <p>21 Q And this says, "Ken, per our conversation, the</p> <p>22 e-mail from legal is for two issues. One is individual</p> <p>23 to Roberts, because previous specific direction was</p> <p>24 given and now is changed. And the second which could</p> <p>25 impact the direction to Roberts is not individual but</p>	<p>1 his representative, Jon Okazaki clarified that Roberts</p> <p>2 was to use gender-neutral restrooms while on CCSD</p> <p>3 property."</p> <p>4 Do you see that?</p> <p>5 A I do.</p> <p>6 Q So according to your testimony today, that's</p> <p>7 inaccurate, that, in fact, Brad Roberts was permitted</p> <p>8 to use single-use male restrooms.</p> <p>9 A Correct, that's incomplete.</p> <p>10 Q And incorrect?</p> <p>11 A No. He was allowed to use gender-neutral</p> <p>12 restrooms, but he was also allowed to use</p> <p>13 single-occupancy restrooms.</p> <p>14 Q Are you aware of anyone else who knew that</p> <p>15 besides yourself testifying here today, that he was</p> <p>16 allowed, Brad Roberts was allowed during this year of</p> <p>17 prohibition to use single-use male restrooms?</p> <p>18 MR. YOUNG: Standing objection.</p> <p>19 THE WITNESS: The only thing I can say is</p> <p>20 everybody at that November 22nd meeting would have</p> <p>21 heard me say gender-neutral or single-occupancy</p> <p>22 restrooms. Like I testified earlier, there was never</p> <p>23 any further question or clarification as to whether</p> <p>24 that included single-occupancy restrooms what were</p> <p>25 identified or labeled a particular gender.</p>

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<p>1 BY MS. ENGLAND:</p> <p>2 Q So you just assumed everybody knew what you</p> <p>3 meant when you were talking about single-use and</p> <p>4 gender-neutral?</p> <p>5 A Single-occupancy and gender-neutral, yes.</p> <p>6 Q Those two aren't the same; right?</p> <p>7 A No.</p> <p>8 Q So this says that -- so everyone but you has</p> <p>9 been laboring under this belief that Brad Roberts is</p> <p>10 not allowed to use single-use male restrooms?</p> <p>11 MR. YOUNG: Standing objection.</p> <p>12 BY MS. ENGLAND:</p> <p>13 Q You're the only one that thinks that,</p> <p>14 Mr. Okazaki. Did you believe that it was incumbent</p> <p>15 upon you if indeed all of the paperwork that's laid out</p> <p>16 in front of you representing this to the Nevada Equal</p> <p>17 Rights Commission failed to include that critical idea</p> <p>18 you're now claiming today --</p> <p>19 MR. YOUNG: Standing objection.</p> <p>20 BY MS. ENGLAND:</p> <p>21 Q -- i.e., that Brad Roberts was permitted by</p> <p>22 your instruction to use single-occupancy male</p> <p>23 restrooms?</p> <p>24 MR. YOUNG: Are you done?</p> <p>25 MS. ENGLAND: I am.</p>	<p>1 This was completed this afternoon."</p> <p>2 Do you see that? That's York reporting --</p> <p>3 excuse me -- yeah, that's York reporting to Ken and</p> <p>4 CC'ing Greenberg on it --</p> <p>5 A Correct.</p> <p>6 Q -- so that they're told that it's being done?</p> <p>7 A Yes.</p> <p>8 Q And did you discuss this with Greenberg in</p> <p>9 preparation for your deposition here today, that this</p> <p>10 was the way that the police department, and the police</p> <p>11 department only was sending it out to every single</p> <p>12 employee unlike any other School District department?</p> <p>13 MR. YOUNG: Standing objection.</p> <p>14 THE WITNESS: Yes. We discussed the fact that</p> <p>15 the Clark County School District Police Department</p> <p>16 decided to attach the written rule in an administrative</p> <p>17 notice and distribute it to all of the employees.</p> <p>18 BY MS. ENGLAND:</p> <p>19 Q And under the direction of Scott Greenberg,</p> <p>20 the police department was to meet with Brad Roberts</p> <p>21 specifically; isn't that correct?</p> <p>22 A Yes.</p> <p>23 Q And Greenberg instructed -- strike that.</p> <p>24 Greenberg issued no instruction for any other</p> <p>25 School District employee to be met with except Brad</p>
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<p>1 MR. YOUNG: Standing objection.</p> <p>2 Argumentative.</p> <p>3 THE WITNESS: I'm not aware that I'm the only</p> <p>4 one who had that understanding. And I believe that all</p> <p>5 of our correspondence and briefs and position</p> <p>6 statements are consistent with that, with what I recall</p> <p>7 advising Officer Roberts that he was allowed to use</p> <p>8 gender-neutral or single-occupancy restrooms, that he</p> <p>9 was simply not allowed to use the male restroom.</p> <p>10 BY MS. ENGLAND:</p> <p>11 Q When you say he was not allowed to use the</p> <p>12 male restroom, did you provide him with more</p> <p>13 specificity about which male restrooms he was not</p> <p>14 allowed to use?</p> <p>15 A No, I do not recall there being any elaborate</p> <p>16 discussion on details of what those terms meant.</p> <p>17 Q And you did not elaborate on it and say,</p> <p>18 "Brad, you can use the male restroom" -- you never told</p> <p>19 him, "Brad, you can use the male restroom if it's a</p> <p>20 single-occupancy and has a male sign on it"? You never</p> <p>21 told him that, did you?</p> <p>22 A No.</p> <p>23 Q And then this says that, number 2, "We are</p> <p>24 providing all employees with a new Instruction Unit</p> <p>25 direction regarding the use of restroom at schools.</p>	<p>1 Roberts; isn't that correct?</p> <p>2 A In regard to restroom use? Yes. I don't</p> <p>3 think Scott Greenberg directed anybody else to meet</p> <p>4 with any employee in regard to restroom use.</p> <p>5 Q The only person Greenberg directed any School</p> <p>6 District official to meet with is the direction he gave</p> <p>7 to the police department that they were to meet with</p> <p>8 Brad Roberts?</p> <p>9 A Yes, to tell him the change of instruction.</p> <p>10 Q And Brad is the only one?</p> <p>11 A Yes.</p> <p>12 Q And Greenberg said he can have a copy of the</p> <p>13 adult school restroom use policy if he wants one?</p> <p>14 A I think the message was: Meet with Brad</p> <p>15 Roberts, tell him that he may now use male gender</p> <p>16 restrooms, but make him aware of the school use policy,</p> <p>17 he shouldn't be using student restrooms. If he wants a</p> <p>18 copy of this written rule, give him a copy of the rule.</p> <p>19 Q Was there any indication that Brad Roberts had</p> <p>20 ever made use of a school restroom for children?</p> <p>21 MR. YOUNG: Standing objection.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. ENGLAND:</p> <p>24 Q So now we go on to Exhibit 38.</p> <p>25 A 38?</p>

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1 Q 38, yes. Actually, it comes next in line, but
 2 it wasn't lined up correctly.
 3 Sorry. It's over here.
 4 (Exhibit 38 marked)
 5 MS. ENGLAND: Here's 38.
 6 MR. YOUNG: Thank you.
 7 BY MS. ENGLAND:
 8 Q Did you and Scott Greenberg look at this
 9 Notice of Case Withdrawal notice from the Nevada Equal
 10 Rights Commission mailed to Mr. Greenberg on October
 11 11th --
 12 A Yes.
 13 Q -- 2012?
 14 A Yes.
 15 Q And did you understand that because the Clark
 16 County School District lifted the ban on Brad Roberts
 17 that prohibited him from using male restroom facilities
 18 at the School District, that the Nevada Equal Rights
 19 Commission was no longer seeking an injunction to stop
 20 the School District from engaging in what the NERC
 21 believed was illegal?
 22 MR. YOUNG: I'll object to the
 23 characterization of what the hearing was about. You
 24 can answer the question.
 25 THE WITNESS: Yes, I'm not sure about that

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1 last part about the injunction. All he know is that in
 2 response to us lifting restriction on his use of
 3 restrooms, the Nevada Equal Rights Commission was going
 4 to withdraw the case, cancel the hearing, and close the
 5 case.
 6 BY MS. ENGLAND:
 7 Q And the Nevada Equal Rights Commission did not
 8 say that what the School District had done was not
 9 discrimination, but only that they had stopped doing
 10 it, and that's why they were closing the case; isn't
 11 that correct?
 12 A In closing the case, I don't -- they said -- I
 13 believe they indicated right here -- they said -- has
 14 taken measures which have resolved the issues, we're
 15 going to close the case.
 16 Q And the issues, as you understood it, was that
 17 the School District had banned Officer Roberts from
 18 using male restrooms?
 19 A Yes.
 20 Q And so the School District had lifted the ban
 21 so it was no longer engaging in the conduct which the
 22 Nevada Equal Rights Commission said was illegal?
 23 A Correct.
 24 Q So they didn't say, "Oh, my God, we made a
 25 mistake; oh, School District, you can do that; oh,

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1 we're really sorry, that wasn't discrimination." It's
 2 that the School District stopped doing what the Nevada
 3 Equal Rights Commission told them they shouldn't be
 4 doing; isn't that right?
 5 A Right.
 6 Q So the Nevada Equal Rights Commission -- oh --
 7 did the School District appeal the finding and
 8 determination by the Nevada Equal Rights Commission
 9 that it, the School District, was committing illegal
 10 discrimination under Nevada law to the District Court
 11 to get the finding determination of discrimination
 12 overturned?
 13 A No.
 14 MR. YOUNG: Standing objection.
 15 MS. ENGLAND: So now, I'd like to stop the
 16 deposition, if I may, take a restroom break. And then
 17 we'll quickly do your percipient witness, and we'll be
 18 done.
 19 MR. YOUNG: Okay.
 20 (Thereupon, the deposition concluded at 2:31 p.m.)
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 24
 25

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1 CERTIFICATE OF WITNESS
 2 PAGE LINE CHANGE REASON
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 19 I, JON OKAZAKI, ESQ., witness herein, do
 20 hereby certify and declare under penalty of perjury the
 21 within and foregoing transcription to be my deposition
 22 in said action; that I have read, corrected and do
 23 hereby affix my signature to said deposition.
 24 _____
 25 JON OKAZAKI, ESQ. DATE

1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)

) ss:

3 COUNTY OF CLARK)

4 I, Mary Cox Daniel, a Certified Court
5 Reporter licensed by the State of Nevada, do hereby
certify:6 That I reported the deposition of JON
7 OKAZAKI, ESQ., commencing on Wednesday, June 29, 2016,
at 9:32 a.m.8 That prior to being examined, the
9 witness first duly swore or affirmed to testify to the
truth, the whole truth, and nothing but the truth; that
10 I thereafter transcribed my said shorthand notes into
typewriting and that the typewritten transcript is a
11 complete, true and accurate record of testimony
provided by the witness at said time.12 I further certify (1) that I am not a
13 relative or employee of an attorney or counsel of any
of the parties, nor a relative or employee of any
14 attorney or counsel involved in said action, nor a
person financially interested in the action, and (2)
15 that pursuant to Rule 30(e), transcript review by the
witness was requested.16 IN WITNESS WHEREOF, I have hereunto set
17 my hand in my office in the County of Clark, State of
Nevada, this 8th day of July, 2016.18
19
20 MARY COX DANIEL, CCR 710, FAPR, RDR, CRR
21
22
23
24
25

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<p> developed (2) development (3) devise (1) difference (1) different (4) differently (6) difficult (3) direct (1) directed (6) directing (1) direction (9) directions (1) directly (2) disagree (7) disclose (4) disclosed (1) disclosure (2) disclosures (1) discriminate (1) discriminated (2) discriminates (1) discriminating (4) Discrimination (67) discrimination, (1) discriminatory (3) discuss (15) discussed (4) discussing (2) discussion (6) discussions (1) dismiss (4) dismissal (1) disparate (2) dissemination (1) distinction (1) distribute (1) distributed (2) distributing (1) distribution (1) DISTRICT (213) District's (76) diversity (1) divulged (1) do, (1) Doctor (1) document (15) documentation (16) documents (15) Doe (6) doing (13) </p>	<p> Door (1) dotted (1) doubt (1) downgraded (1) Dr (12) drafted (1) drafting (1) drafts (1) due (1) duly (2) Dwight (6) < E > earlier (6) early (1) easier (1) educated (1) EEO (1) EEOC (22) EEOC's (3) effect (16) efforts (1) eight (2) eight-hour (1) either (10) elaborate (2) elect (1) Election (2) elementary (5) E-mail (50) e-mailed (3) e-mailing (1) e-mails (5) embodied (1) emergency (1) employee (20) employees (14) employee's (1) Employees, (1) employer (6) employers (6) Employment (10) enables (1) enacted (1) enclosed (1) ended (5) enforced (1) enforcement (1) enforcing (1) engage (1) </p>	<p> engaged (4) engaging (3) ENGLAND (308) enrolled (2) ensure (2) entire (1) entitled (1) entry (1) Equal (85) Equality (1) equally (1) era (1) Eric (1) especially (1) espoused (1) espousing (2) ESQ (9) Ethan (2) Ethan's (1) event (2) events (1) everybody (2) everybody's (3) evidence (35) evidencing (1) exact (5) exactly (7) Examination (2) examined (2) example (2) examples (2) exceed (1) exceeds (1) Excerpt (1) excuse (8) executive (2) Exhibit (102) EXHIBITS (5) exist (1) existence (3) existing (2) expectation (1) expectations (1) experience (1) experiences (2) expertise (2) explain (1) explanation (3) express (4) expression (6) </p>	<p> extent (13) < F > face (1) facilities (59) facilities, (2) facility (5) fact (20) factors (1) facts (12) failed (2) Fair (10) familiar (1) familiarize (1) families (2) FAPR (2) far (5) favor (1) February (9) federal (6) feel (1) felt (1) female (10) female-identified (2) females (3) Fernandez (6) Fernandez's (1) fifth (2) fight (1) figure (2) file (1) filed (5) filing (1) filings (1) finally (2) financially (1) find (15) finding (11) fine (4) finish (8) finished (2) first (44) Fitzgerald (5) five (2) folks (1) follow (3) followed (1) follows (2) follow-up (2) </p>
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<p> forced (2) foregoing (1) form (13) formal (2) forms (2) formulating (1) forth (2) forward (2) forwarded (6) forwarding (6) found (8) foundation (1) four (1) fourth (1) frame (9) FRCP (2) free (3) frequent (1) front (12) full (7) fully (6) functions (1) Further (3) < G > gain (1) gender (54) gender-neutral (15) gender-specific (4) General (11) generalized (1) General's (2) genital (6) genital, (1) genitals (9) Gervasi (1) getting (3) give (4) given (12) gives (3) giving (1) glasses (1) go (47) God (1) goes (4) going (69) Goins (12) Good (4) gotten (3) governing (1) </p>	<p> Government (1) granting (1) Great (3) Green (2) Greenberg (149) Greenberg's (12) groups (4) guess (3) guidance (5) guidelines (2) GUTIERREZ (1) < H > hand (1) handed (6) handles (1) happened (3) happens (2) happy (1) harassed (1) harassment (5) Harassment, (1) harkening (1) Hartford (1) he, (2) head (7) headnote (2) headnotes (1) headquarters (3) heard (4) Hearing (35) Heenan (1) held (7) he'll (1) help (1) hereunto (1) hierarchy (1) High (3) hold (1) Holder (4) holding (3) holds (1) hope (1) hopefully (1) hour (4) Howard (1) Hughes (1) Human (4) < I > </p>	<p> i.e (4) i.e., (1) idea (10) identifications (1) identified (12) identifies (1) identify (5) identity (21) identity, (1) II (1) illegal (31) immediate (1) impact (1) impacted (1) implement (2) implementation (2) implemented (1) implementing (2) implications (1) import (1) important (4) impose (1) imposed (4) imposing (3) inaccurate (3) inappropriate (7) include (7) included (11) includes (1) including (1) inclusion (1) inclusive (1) incomplete (3) inconvenienced (1) incorrect (3) incredibly (1) incumbent (1) INDEX (1) indicate (5) indicated (13) indicates (6) indicating (7) indication (2) individual (6) individually (3) individuals (1) inform (3) informal (4) information (24) informational (1) </p>	<p> in-house (2) initial (2) initials (1) initiated (7) initiating (1) initiation (1) injunction (2) insofar (2) inspect (1) instruct (1) instructed (3) Instruction (75) instructions (3) instructs (1) intended (3) intent (2) InterAct (1) interested (1) intermediary (1) interrupt (2) interrupting (2) introduce (1) introducing (1) investigation (1) involved (24) involvement (12) inward (1) irrelevant (1) ISMs (1) issuance (3) issue (14) issued (30) issues (9) issuing (2) it, (1) Item (2) items (1) iteration (1) its (33) IX (14) < J > Jane (5) January (11) Job (5) joint (1) JON (8) Jones (18) journal (1) Juanita (2) </p>
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<p> judge (1) judgment (3) July (8) June (17) jury (1) justification (2) < K > KATHLEEN (1) Kathy (9) keep (2) Ken (4) Kenneth (1) kept (1) Ketsaa (10) kind (6) kinds (1) knew (11) know (77) knowledge (2) < L > labeled (13) labor (1) laboring (1) Lack (1) ladies (1) laid (1) landmark (1) language (5) largest (2) Las (4) late (2) LAW (53) lawyer (2) layer (1) laypeople (1) layperson's (1) leaves (1) left (1) legal (53) legal, (1) Legislative (5) Legislature (1) legitimacy (1) Letter (17) letting (1) licensed (1) Lieutenant (6) lift (2) </p>	<p> lifted (3) lifting (1) light (1) likelihood (3) limited (3) line (9) lined (1) lingo (1) List (1) listed (1) listen (1) listing (1) LITTLER (10) locker (2) long (4) longer (2) longstanding (8) look (46) looked (9) looking (12) looks (3) lopping (1) lunch (3) lying (1) < M > Macy (25) Madam (1) magazine (1) Maginot (1) Mahan (1) MAIER (1) mailed (4) maintain (2) making (9) male (112) male, (1) male-identified (1) males (1) male-specific (1) male-to-female (2) man (1) manager (3) Mari (11) mark (1) marked (26) MARY (3) masculine (1) masculinity, (1) match (5) </p>	<p> matched (6) matter (8) matters (5) McDade (2) me, (1) mean (10) Meaning (1) means (7) meant (3) measures (2) medical (4) meet (10) Meeting (30) meetings (2) member (2) members (2) memo (10) memorandum (5) memorialization (2) memorialize (1) memorialized (2) memorializing (2) memorized (1) memory (2) men (1) MENDELSON (6) Mendelson's (3) men's (11) mentioned (6) message (4) met (4) Mia (1) middle (2) mid-page (1) Mike (2) mind (2) mine (1) Minnesota (15) minutes (3) mischaracterize (1) mischaracterizes (14) misdirection (1) Misrepresents (1) misspoke (1) misstated (1) mistake (2) mistakenly (2) moment (2) </p>	<p> month (1) months (6) morning (4) motion (5) Motivated (1) move (2) < N > name (8) named (1) nature (4) necessarily (3) necessary (2) need (12) needed (3) needs (2) neglected (1) NERC (16) NERC's (8) neutral (1) NEVADA (119) Nevada's (2) never (16) new (28) newsletter (2) newsletters (1) Nice (1) night (2) Ninth (17) no, (1) non-decision (1) Non-discrimination (2) non-District (2) non-School (3) noon (1) normal (2) NOS (1) notation (1) note (3) notes (4) Notice (38) notice, (1) notices (2) notified (2) notifying (1) November (35) NRCP (1) NRS (1) number (12) </p>
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<p> numbers (3) numerous (2) nutshell (1) NV (3) < O > oath (3) object (17) objection (228) objection, (1) obligation (3) obviously (3) occasions (1) occupancy (1) occupants (1) occupied (1) occurred (2) occurrence (1) October (24) October-November (1) odds (2) offer (3) offered (3) office (12) Officer (96) officers (3) OFFICES (2) official (4) officials (3) offsite (1) Oh (8) Okay (50) OKAZAKI (51) old (1) ones (6) open (6) opening (1) Opens (1) operation (4) operations (1) opinion (1) opportunity (1) opposed (6) order (9) original (2) OSHA (15) ought (2) outside (13) outward (1) </p>	<p> oversees (2) overturned (1) < P > p.m (2) P-4100 (1) PAGE (36) Pages (2) paperwork (3) paragraph (13) paren (3) parenthesis (6) Parkway (1) part (12) participate (8) participated (4) participation (8) particular (8) parties (4) party (1) passage (2) passed (1) Pat (2) patrol (1) patrolled (1) PD (2) penalty (1) penis (1) penis, (1) people (19) percipient (4) period (5) perjury (1) permission (1) permitted (29) person (9) personal (3) personally (6) personnel (1) persons (2) perspective (1) pertaining (2) Phil (1) phone (3) pick (1) picked (1) pinpoint (2) place (4) places (1) Plaintiff (5) </p>	<p> Plaintiff's (1) planning (1) pleadings (3) please (28) Please, (1) point (6) pointed (1) pointing (2) points (1) Police (37) police's (1) policies (11) policy (49) policy, (2) poll (1) portion (1) position (90) possibility (2) possible (6) possibly (2) practice (24) Practices (6) preceded (2) precise (1) pre-dates (1) preface (1) prefacing (1) pre-operative (2) preparation (12) prepare (8) prepared (10) preparing (19) present (8) presented (4) President (1) pretty (1) previous (9) previously (4) Price (1) primarily (9) primary (1) Principals (13) printed (1) Printout (1) prior (5) private (1) Pro (1) probable (7) Probably (4) problem (1) </p>	<p> procedure (6) procedures (4) proceeding (2) proceedings (4) process (2) processes (1) produce (2) program (1) programs (1) progress (1) prohibit (2) prohibited (6) prohibiting (3) prohibition (12) prohibitions (1) promised (5) promulgated (1) pronouns (1) proof (1) properties (1) property (4) protected (8) Protection (1) protested (1) prove (2) provide (17) provided (22) provider (2) provides (1) providing (4) provisions (1) Public (23) publication (1) publications (2) publicizing (1) publishing (1) purpose (2) purposefully (1) purposes (2) Pursuant (3) put (16) putting (2) < Q > quarrel (1) question (64) questioning (4) questions (18) quick (1) quickly (3) </p>
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quote (7)	regulations (17)	responsible (13)	secretary (1)
< R >	reimpose (1)	responsive (1)	see (66)
R-4110 (3)	reimposed (1)	rest (1)	seeing (1)
ramifications (1)	reiterated (1)	restrain (2)	seeking (2)
rationale (2)	rejected (2)	restriction (7)	seen (4)
RDR (2)	related (6)	restrictions (2)	segregated (4)
reaction (1)	relating (5)	restrictive (2)	send (1)
read (20)	relative (4)	restroom (123)	sending (8)
realize (1)	relevant (14)	restrooms (58)	sends (5)
realized (1)	relied (2)	result (6)	Senior (1)
really (1)	rely (1)	reverse (1)	sense (3)
reason (4)	relying (2)	Review (16)	sent (17)
reasons (1)	remained (1)	reviewed (16)	sentence (6)
reassignment (2)	remedies (1)	reviewing (4)	separate (5)
recall (48)	Remedy (8)	reviewing, (1)	September (30)
receipt (5)	remember (9)	revise (1)	Sergeant (1)
receive (2)	remembered (1)	revised (13)	Seriously (1)
received (14)	remove (1)	revising (3)	served (1)
receiving (2)	repeat (7)	revision (7)	session (1)
Recess (3)	report (2)	revisions (2)	set (6)
recognition (1)	Reported (3)	ridiculing (1)	settlement (4)
recognize (6)	Reporter (12)	right (29)	Seventh (2)
recognized (4)	reporting (2)	Rights (89)	sex (13)
recollection (15)	represent (1)	ROBERTS (191)	sex, (1)
recommended (1)	representation (1)	Roberts, (1)	sex-reassignment (1)
reconsideration (1)	representations (1)	Rodriguez (34)	sex-segregated (1)
record (7)	representative (1)	room (7)	Sexual (4)
records (2)	represented (1)	rooms (2)	sexually-based (1)
reduced (2)	representing (2)	routinely (6)	shape (5)
refer (1)	request (15)	rude (1)	Shelley (1)
reference (12)	requested (3)	rudely (1)	shift (3)
referenced (2)	requests (1)	Rule (71)	short (1)
references (1)	require (10)	rules (2)	shorthand (1)
referred (4)	required (6)	ruling (2)	shortly (2)
referring (11)	requirements (1)	rulings (1)	show (9)
reflect (1)	requires (1)	< S >	showed (4)
refresh (1)	requiring (3)	saw (6)	shown (1)
refreshed (1)	resolved (1)	saying (28)	shows (1)
refreshes (1)	resources (3)	says (49)	sic (2)
refuse (2)	respect (1)	scan (1)	sign (4)
refused (2)	respectfully (1)	scheduled (1)	signature (3)
refusing (2)	respecting (2)	SCHOOL (240)	signed (2)
regard (26)	respond (4)	schools (26)	similarly (4)
regarding (9)	responded (3)	Schwenk (6)	simply (6)
regardless (2)	Respondent (6)	scope (6)	single (5)
regards (1)	Respondent's (1)	Scott (66)	singled (5)
regular (3)	responding (5)	scrutiny (1)	single-occupancy (15)
regularly (2)	response (54)	second (12)	single-occupant
regulation (14)	responses (2)	secondary (1)	
	responsibility (2)		

<p>(21)</p> <p>single-use (15)</p> <p>sit (3)</p> <p>sites (6)</p> <p>sites, (1)</p> <p>sitting (1)</p> <p>situated (2)</p> <p>situation (2)</p> <p>six (4)</p> <p>Skorkowsky (7)</p> <p>small (1)</p> <p>social (1)</p> <p>somebody (3)</p> <p>soon (4)</p> <p>sooner (1)</p> <p>Sorry (21)</p> <p>sort (5)</p> <p>South (3)</p> <p>Southern (1)</p> <p>speak (9)</p> <p>speaking (2)</p> <p>speaks (2)</p> <p>specific (27)</p> <p>specifically (16)</p> <p>specificity (3)</p> <p>specifics (1)</p> <p>specified (1)</p> <p>speculation (4)</p> <p>spoke (1)</p> <p>squared (1)</p> <p>ss (1)</p> <p>staff (2)</p> <p>stalled (1)</p> <p>stamp (1)</p> <p>stamps (1)</p> <p>stand-alone (1)</p> <p>standing (212)</p> <p>stapler (2)</p> <p>staples (1)</p> <p>start (4)</p> <p>started (1)</p> <p>starts (2)</p> <p>state (10)</p> <p>stated (4)</p> <p>statement (13)</p> <p>statements (1)</p> <p>STATES (1)</p> <p>stating (3)</p> <p>station (1)</p> <p>status (6)</p>	<p>statuses (5)</p> <p>stay (2)</p> <p>stems (1)</p> <p>step (1)</p> <p>stepped (1)</p> <p>stop (7)</p> <p>stopped (3)</p> <p>straight (1)</p> <p>stream (2)</p> <p>Street (3)</p> <p>strike (2)</p> <p>student (6)</p> <p>stuff (1)</p> <p>styled (1)</p> <p>SUBJECT (41)</p> <p>subjected (3)</p> <p>subjects (4)</p> <p>submissions (1)</p> <p>submitted (1)</p> <p>subsequent (1)</p> <p>subsequently (1)</p> <p>substance (1)</p> <p>substantive (2)</p> <p>substantively (2)</p> <p>subvocalization (1)</p> <p>sued (1)</p> <p>suggest (2)</p> <p>suggested (1)</p> <p>suggests (1)</p> <p>Suite (3)</p> <p>summarized (1)</p> <p>summary (16)</p> <p>summary, (1)</p> <p>superintendent (33)</p> <p>supervisor (1)</p> <p>support (3)</p> <p>supported (5)</p> <p>supports (2)</p> <p>supposed (4)</p> <p>Supreme (4)</p> <p>Sure (19)</p> <p>surgery (3)</p> <p>surgical (5)</p> <p>surprise (1)</p> <p>survey (3)</p> <p>sway (1)</p> <p>switched (1)</p> <p>swore (1)</p> <p>sworn (1)</p>	<p>< T ></p> <p>take (25)</p> <p>Taken (12)</p> <p>talk (2)</p> <p>talked (9)</p> <p>talking (16)</p> <p>tangible (1)</p> <p>task (1)</p> <p>tasked (1)</p> <p>teacher (2)</p> <p>technically (1)</p> <p>tell (45)</p> <p>telling (7)</p> <p>tells (5)</p> <p>term (5)</p> <p>terms (1)</p> <p>testified (13)</p> <p>testify (15)</p> <p>testifying (2)</p> <p>testimony (18)</p> <p>texting (2)</p> <p>Thank (6)</p> <p>Thanks (2)</p> <p>then-existing (1)</p> <p>thing (3)</p> <p>things (5)</p> <p>think (22)</p> <p>thinking (2)</p> <p>thinks (2)</p> <p>Third (5)</p> <p>this, (1)</p> <p>Thomas (5)</p> <p>thought (3)</p> <p>three (10)</p> <p>three-year-old (1)</p> <p>time (59)</p> <p>times (3)</p> <p>timing (2)</p> <p>Title (23)</p> <p>titled (2)</p> <p>today (58)</p> <p>told (57)</p> <p>Tom (22)</p> <p>Tony (2)</p> <p>Tony, (1)</p> <p>top (3)</p> <p>Topic (23)</p> <p>Topics (6)</p> <p>totally (1)</p>	<p>transcribed (1)</p> <p>transcript (2)</p> <p>transcription (1)</p> <p>Transgender (23)</p> <p>transgendered (1)</p> <p>transition (5)</p> <p>treated (5)</p> <p>treating (1)</p> <p>treatment (3)</p> <p>treatment, (1)</p> <p>triggered (1)</p> <p>true (2)</p> <p>truth (6)</p> <p>try (2)</p> <p>trying (7)</p> <p>turn (7)</p> <p>turned (1)</p> <p>turning (1)</p> <p>two (25)</p> <p>two-page (2)</p> <p>type (3)</p> <p>types (2)</p> <p>typewriting (1)</p> <p>typewritten (1)</p> <p>typically (1)</p> <p>< U ></p> <p>U.S (2)</p> <p>ultimate (1)</p> <p>ultimately (2)</p> <p>unable (1)</p> <p>unaware (3)</p> <p>unchanged (2)</p> <p>undergo (2)</p> <p>underlying (1)</p> <p>understand (15)</p> <p>understanding (15)</p> <p>understood (8)</p> <p>undertake (6)</p> <p>undertaken (3)</p> <p>undertaking (1)</p> <p>undertook (5)</p> <p>unequal (1)</p> <p>unequivocally (1)</p> <p>unimportant (1)</p> <p>Union (1)</p> <p>unisex (1)</p> <p>Unit (66)</p> <p>UNITED (1)</p> <p>unlawful (12)</p>
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<p> unquote (5) unsuccessful (2) unusual (3) unwritten (2) upcoming (1) update (1) updated (1) urinate (1) urinating (1) use (167) uses (4) usually (1) < V > vague (1) Valley (2) various (3) Vegas (4) verbal (3) verbally (4) version (3) versus (9) vibrate (1) victim, (1) VII (8) VII, (1) violate (1) violated (1) violates (1) violation (4) Violence (1) visited (2) visiting (1) Volume (1) vote (1) voted (2) vs (1) < W > wait (2) waive (1) waiving (1) walked (1) want (1) wanted (5) wants (4) warned (1) warnings (1) wasting (2) Waterhouse (1) </p>	<p> way (18) ways (1) website (6) Wednesday (2) week (5) weekly (2) weeks (12) well (25) went (18) we're (28) We've (4) WHEREOF (1) whichever (1) Williams (5) willing (1) withdraw (2) Withdrawal (2) WITNESS (211) women's (5) word (6) wording (1) words (1) work (6) worked (1) working (1) write (4) writing (30) written (32) wrong (5) wrote (3) < Y > yeah (13) year (8) year-long (2) years (6) York (27) York's (3) YOUNG (290) </p>		
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